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ABSTRACT

Through an exploration of essential documents and writings that led to and derived from the creation of the U.S. Constitution, this book chronicles U.S. history from 1775 to 1791. Major sections include: (1) the origins of the Constitution; (2) America in 1787; (3) the grand federal convention; (4) ratification of the Constitution; (5) the first administration; and (6) the Bill of Rights. Each section includes historical information, pictures of documents, drawings, letters, and paintings, and explanatory materials concerning the primary documents. An illustrated time line, entitled "A Constitutional Chronology," is included. (JHP)

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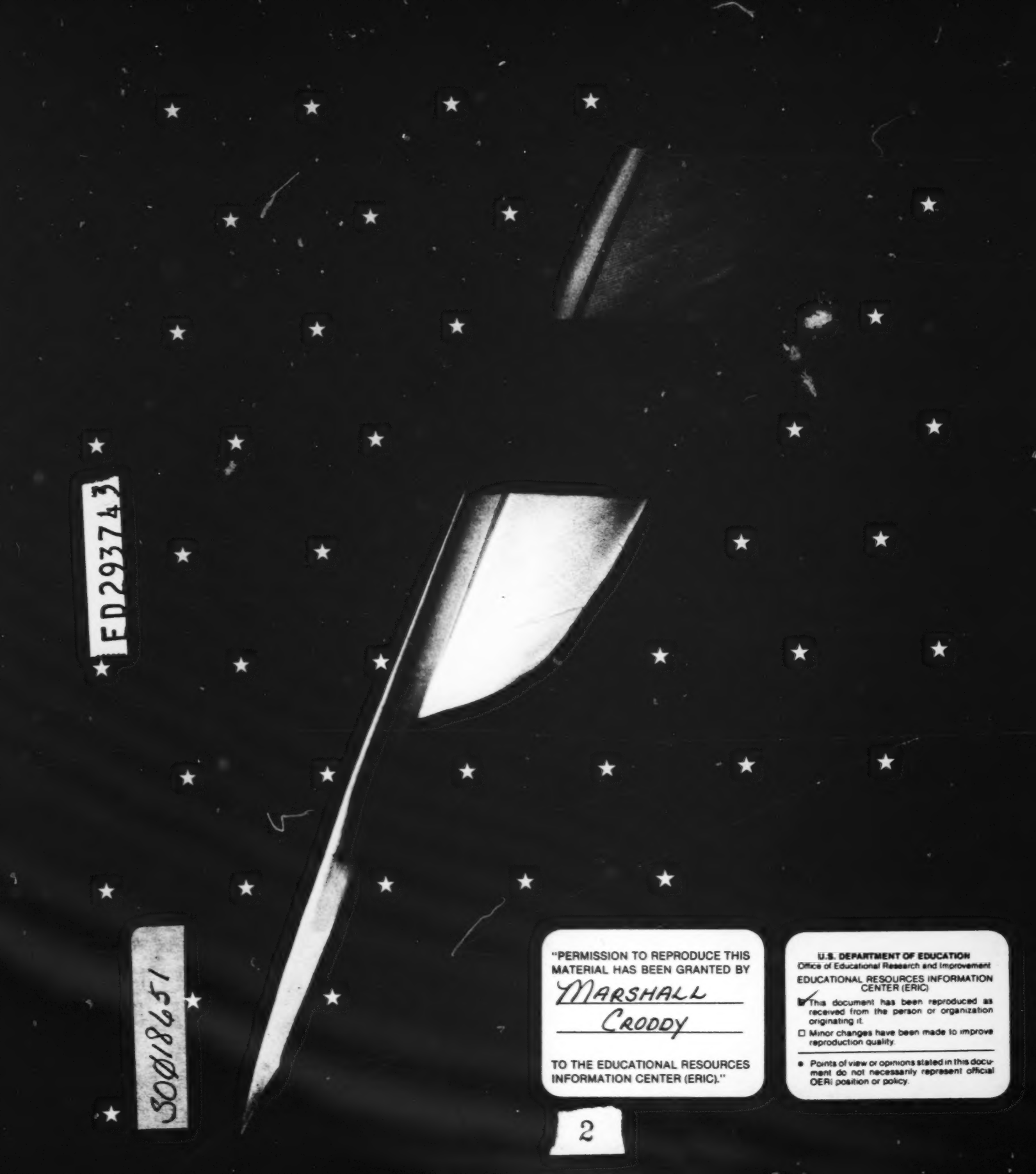

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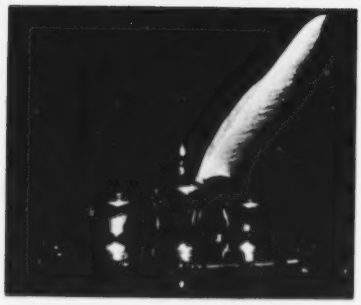
LETTERS OF LIBERTY

A DOCUMENTARY HISTORY OF THE U.S. CONSTITUTION

By
John H. Rhodehamel

Constitutional Rights Foundation
Los Angeles



This silver inkwell was designed by Philip Syng in 1752. It was used in signing the Declaration of Independence and the Constitution.

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DOCUMENTS, LETTERS, MAPS

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We gratefully acknowledge the Huntington Library for its contributions of original manuscript, rare books, and other documents presented in this book.

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FOREWORD

It is a happy coincidence that the 25th anniversary of the Constitutional Rights Foundation (CRF) falls in the same year as the Bicentennial Celebration of the drafting and signing of the United States Constitution. For the last quarter century, CRF has dedicated itself to educating young people about the principles contained in the Constitution and its Bill of Rights. Through education programs and materials focusing on law, business and leadership, CRF has challenged generations of students throughout the nation to embrace the principles contained in these documents and apply them to their own lives as citizens.

During the Bicentennial years CRF will: *Commemorate our Constitutional Past* with seminars, books and lessons for teachers and students on the Constitution's origins, history and purpose; *Celebrate our Constitutional Present* by engaging business people, lawyers, judges and community leaders and opinion makers in efforts to teach young people about our "living Constitution" and its enduring place in American society; and *Assure our Constitutional Future* by preparing thousands of young people for their roles as citizens and leaders of the 21st century.

LETTERS OF LIBERTY, made possible by a generous gift of the Keck Foundation, makes a major step in achieving these goals. Through an exploration of essential documents and writings that led to and derived from the creation of our Constitution, it tells a story crucial for all Americans.

Our Constitution was born in crisis, achieved by compromise and designed to survive the inevitability of change. Yet, the men who created it, while brilliant, were very human. Their debates were marked by strife and conflicting interests. In the document they left us, the essential problems of slavery, fairness and equality fell to future generations to resolve. Without this human quality, the meaning of their work might be lost on us. It is what we share with them that is important.

The framers of the Constitution were practical men. They knew the form of government they envisioned could not withstand neglect, petty self-interest or majoritarianism. The mechanisms they proposed sought to moderate these dangers and give the United States a chance to fulfill a unique destiny. Essential to their vision was the need for an educated, enlightened and informed citizenry. The framers knew that for the Constitution to endure each new generation would have to apply constitutional principles to the problems of its own time.

It is our hope that *Letters of Liberty*, by illuminating the past, will help adults and young citizens of today light our constitutional future.

Alan I. Rothenberg
President, Constitutional Rights Foundation

Raymond C. Fisher
Immediate Past President, Constitutional Rights Foundation
CRF Chair, Bicentennial Committee

★ INTRODUCTION

THE GENIUS OF THE PEOPLE 1787 was the year in which the independent American states decided to become one nation, rather than a confederacy or an alliance or a league of sovereignties. The story of that decision, of the "Grand Federal Convention" and the creation and ratification of the United States Constitution, may well be the most momentous in the 400-year history of the American people in the New World.

The U.S. Constitution has been called the most successful charter for popular sovereignty in history. Success was by no means certain in that sweltering Philadelphia summer when a remarkable assembly of men labored behind the locked doors of Independence Hall, in the same room where the Declaration of Independence had been signed 11 years before.

By 1787, as the nation stumbled along under the inept government of the Articles of Confederation, it seemed likely that the American states, deprived of the bond of necessity forged by the Revolutionary War, would dissolve into a set of feuding principalities, prey to tyranny or to the anarchy born of "an excess of democracy." "What a triumph for the advocates of despotism," wrote an anguished George Washington, "to find we are incapable of ruling ourselves." Indeed, it was just such an outcome many Europeans cheerfully awaited. And as though to confirm that expectation, on the floor of the Convention in the worst of the agonizing deadlock of June and July, delegates threatened alliances with foreign powers or spoke darkly of a union brought about by civil war — "This Country must be united. If Persuasion does not unite it, the sword will."

SHARED IDEALS Not all was bleak. The delegates to the Grand Federal Convention shared with most other educated people of the time a belief in the virtues of a republican form of government. Republicanism was a philosophical pursuit: there had been republican nations in the past, but they had perished centuries before. In the modern world republicanism (from the Latin, *res publica*, literally "the thing of the people") was much praised, but never practiced.

Belief in republicanism had been reawakened by the Enlightenment, a new spirit of intellectual exploration and scientific discovery — a great optimism which had at its core faith in human reason and the perfectability of human institutions. If reason could reveal the secret laws of the universe, surely it could devise a rational, just and humane system of government to replace the ancient tyranny of kings. The members of the Convention were in agreement that republican government must derive from and be accountable to the people and that it must assure rights to life, property and the liberty of speech and thought. If any government failed to provide these basic liberties, the people had the right to overthrow it and erect a just government in its place. One-half of this formula, at least, the Americans had already fulfilled. For guidance, the republicans of late 18th century America

could look back to the classical republics of Greece and Rome. Yet, while antiquity furnished these examples of men ruling themselves in liberty and order, could they really serve as models for the men of 1787? A union of the American states defied all the conditions laid down by history and the philosophers for sound republics. In the end America seemed too large and too diverse.

Still the Americans could be encouraged by what they had achieved since 1776. In just over a decade they had defeated the British, negotiated a favorable peace and begun to settle the vast wilderness beyond the mountains. The Continental Army had fought for liberty or death. It was unlikely that its veterans would look for anything less in their victory. Amid all the uncertainties, Americans could dream that a future of spacious possibilities awaited the new nation. Many believed that the United States was destined to establish in the New World a new republican order of the ages. When the delegates on the floor of the Convention invoked the "genius of the people," they meant this shared faith in republican principles and their great hope for the future.

At the end of the summer, the Constitutional Convention presented to America a document of some 4,500 very carefully chosen words, calculated, its preamble declared, "...to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and assure the blessings of Liberty to ourselves and our Posterity..." Both the framers and their watching countrymen recognized the historic dimensions of that achievement.

The Constitution was a revolutionary experiment in turning the familiar ideals of republican philosophy into the reality of a republican nation, the first in modern history. The prospects of such a nation seemed so precarious that many observers remained convinced that the experiment would fail. Even those with more faith in the future marveled at the boldness of the endeavor. George Washington, delegate from Virginia and President of the Convention, reflected: "A greater drama is now acting on this theater than has heretofore been brought on the American stage, or on any other in the world. We exhibit at present the novel and astonishing spectacle of a whole people deliberating calmly on what Form of Government will be most conducive to their happiness."

THE FATHER OF THE CONSTITUTION If George Washington, the shining exemplar of republican virtue, was the natural choice for President of the Convention, it was James Madison who stood out as the leading spirit of the assembly and the intellectual master builder of the Constitution.

Madison, only 36 years old in the summer of 1787, was a small man of about five-and-a-half feet who seemed to have spent much of his life preparing for the Convention. He brought with him to Philadelphia not only his innate political genius, but also a remarkably comprehensive knowledge of the history of nations and confederations ancient and modern. He may actually have been more learned than his friend Thomas Jefferson, who had supplied many of the books of history and philosophy Madison had devoured. Madison had also played a very important role in shaping the events which led to the meeting in Philadelphia and, not least of all, in persuading George Washington to risk his reputation with another foray into public affairs.

The description of Madison by his fellow delegate, William Pierce of Georgia, is as good as any. Madison, Pierce wrote was "a character who has long been in public life; and what is very remarkable every person seems to acknowledge his greatness. He blends together the profound politician with the scholar. In his management of every great question he evidently took the lead in the Convention . . . . From a spirit of industry and application which he possesses in the most eminent degree, he always comes forward the best informed man in any point of debate. The affairs of the United States, he perhaps has the most correct knowledge of, of any man . . . . Mr. Madison is . . . a Gentleman of great modesty, with a remarkable sweet temper. He is easy and unreserved among his acquaintance, and has a most agreeable style of conversation . . . ."

If James Madison had distilled a single truth from all his tireless studies, it was that the historical confederacies had been doomed by their lack of a strong central government and torn apart by sectional jealousies. Of

course other delegates, although not possessed of Madison's learning, reached the same conclusions through their experiences of the weakness of Congress under the Articles of Confederation. But for Madison, belief in a powerful central government burned with a vigor approaching fanaticism. Indeed his uncompromising opposition to the "Great Compromise" threatened for a time to completely deadlock the Convention.

James Madison came to Philadelphia armed with a vision of what America could be and a plan to bring it about. Under his self-effacing leadership, the nationalists seized the initiative by opening the Convention with the Virginia Plan, in which broad powers were granted to the central government at the expense of state sovereignty. Much argued and much amended, the Virginia Plan became the United States Constitution. The nationalists continued to hold the initiative throughout the Convention, keeping the small-state, local sovereignty delegates on the defensive,

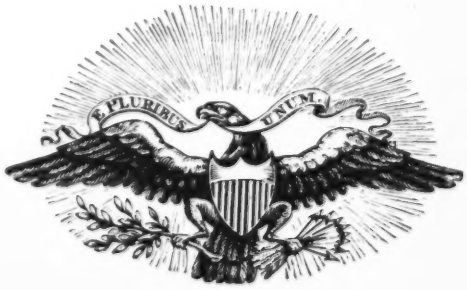
even though their proposals for a limited federal government were much more in line with the instructions given the Convention by Congress.

History owes Madison another debt, for it is only through his efforts that we have any but the most sketchy account of what took place behind the locked and guarded doors of Independence Hall in the summer of 1787. Major William Jackson, a veteran of the Revolution, was elected the Convention's official secretary. His bare-bones account of the proceedings, giving no clue as to the substance of the debates or the positions of the individual delegates, was fittingly described as a "very skeleton" by one 19th century historian when it was finally published in 1819. James Madison, on the other hand, seems to have missed very little in his role as the unofficial historian of the Grand Federal Convention. Compelled by his own love of history, he set out to write the "History of a Constitution on which would be staked the happiness of a people great even in infancy, and possibly the cause of Liberty throughout the world."

"In pursuance of the task I had assumed," Madison later recalled, "I chose a seat in front . . . . In this favorable position for hearing all that passed, I noted in terms legible & in abbreviations & marks intelligible to me what was read from the Chair or spoken by the members; and losing not a moment between the adjournment & reassembling of the Convention I was enabled to write out my daily notes . . . . I was not absent a single day, nor more than a caussal fraction of an hour, so that I could not have lost a single speech, unless a very short one." Characteristically, Madison only hints at the enormity of the work: the Convention met six days a week for nearly four months and his *Notes of Debates in the Federal Convention of 1787* ran for hundreds of pages.

If Madison was scrupulous in preserving a record of the Convention, he was more than a little shrewd in making that record known. He had written it for posterity alone, it seemed, not for his contemporaries. He explained that the story of the creation of the Constitution should not be used to support interpretations of the document and to those who urged him to publish his notes, he replied that "it might be best to let the work be a posthumous one or at least that its publication should be delayed till the Constitution be well settled by practice." By posthumous he meant after the deaths of all the members of the Convention. As it turned out it was Madison himself who was the last to die. He lived on until 1836, gaining an opportunity thereby to quip memorably, having watched his flesh-and-blood colleagues take on mythical qualities as they receded into the mists of history, that he had "out-lived so many of my Co-temporaries I ought not to forget that I may be thought to have outlived myself."

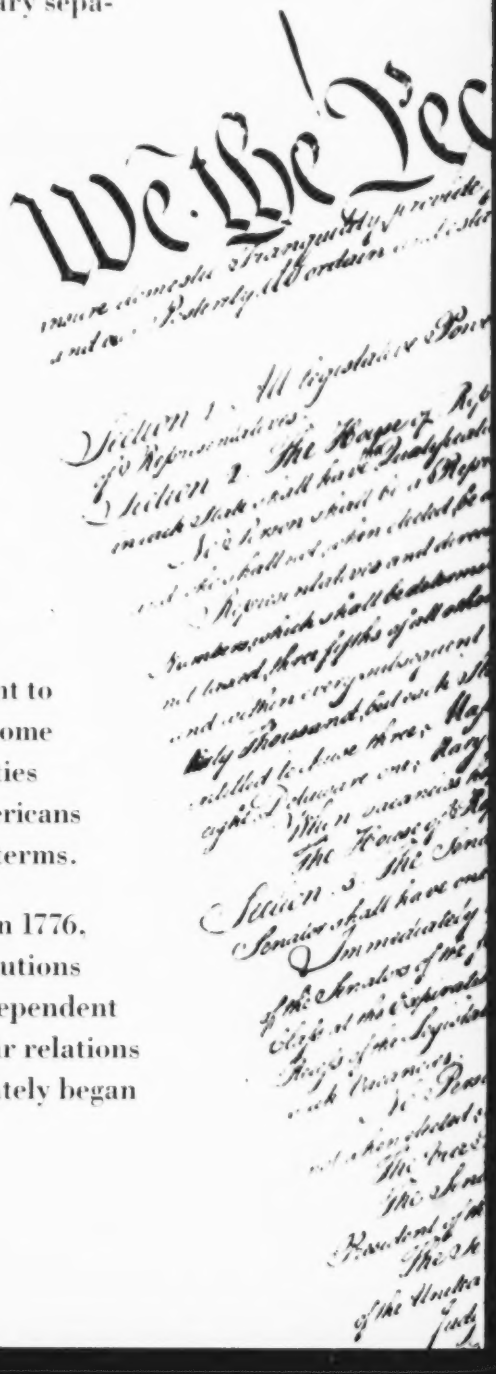
Notes of Debates in the Federal Convention of 1787 was finally published in 1840, four years after the death of its author and nearly a lifetime since the Convention adjourned for the last time. It remains the source for most of what we know about the event it describes.



★ ORIGINS OF THE CONSTITUTION

By the time of the Constitutional Convention, English-speaking peoples had been living along the eastern coast of North America for nearly 200 years: a new American nation had not sprung magically into being at the signing of the Declaration of Independence. The delegates of 1787 could draw on this experience, as well as centuries of British political heritage as they labored to create a new constitution for the 13 states.

The colonies had always modeled their political institutions on the English example of a constitution of legal traditions underlying a monarchy balanced by the parliamentary separation of powers. It was from this tradition that the colonists had inherited the rights and liberties of free-born Englishmen they so jealously guarded against royal encroachment. Nevertheless, over the years, colonial society and political institutions had taken on a distinctively American character.



The British Constitution, although it included such written elements as the Magna Carta and the Bill of Rights of 1689, remained for the most part unwritten. It was an accepted body of precedents which had evolved with the nation itself. The American colonial experience was quite different. Some of the colonies had been founded on religious belief, some as a mark of royal favor on a fortunate proprietor, and some were frankly speculative, meant to enrich investors. Endeavors such as these required some sort of written agreement defining the rights and duties of the colonists and those who would govern them. Americans grew accustomed to thinking of government in such terms.

When the political bonds with Britain were dissolved in 1776, most of the former colonies hastened to draft constitutions to reflect the changed circumstances. The newly independent states also felt the need for a document to define their relations to each other and the Continental Congress immediately began work on the Articles of Confederation.

We the People of the United States, in Order to form a more perfect Union, establish Justice,
the common Defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves
which that Constitution for the United States of America.

Article I.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors
in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States,
and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective
Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians
not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States,
and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every
thirty Thousand, but each State shall have at least one Representative; and until such Enumeration shall be made, the State of New Hampshire shall be
entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania
eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each
Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats
of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third
Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the
Recess of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall
not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of
President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the
United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of
Honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment,
according to Law.

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature
thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall
by Law appoint a different Day.

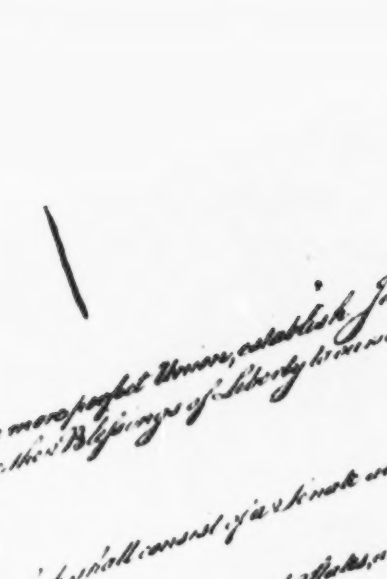
Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a
Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members,
in such Manner, and under such Penalties as each House may provide.

United States, Return of the Whole Number of Persons..., Philadelphia, 1791.

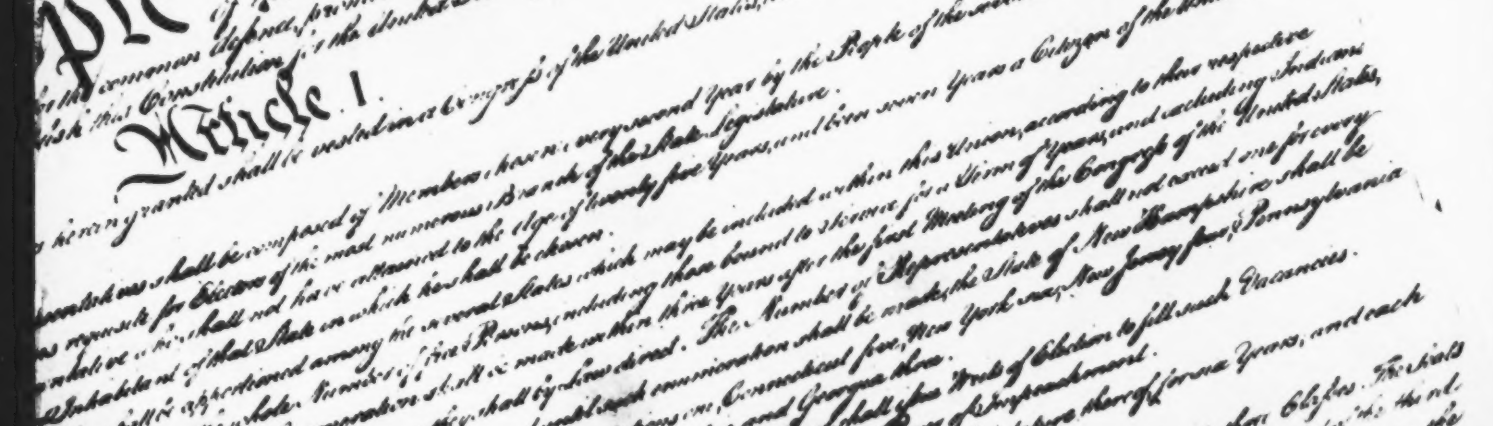
The first U.S. census revealed that the population of the United States at the end of the decade of the Constitutional Convention was about four million.

The federal census, authorized by Congress in 1790, was of some importance since the Constitution provided that representation in the House would be based on population.

With a population of four million, the United States was, in this respect, a rather small nation: France had a population of 25 million, Great Britain 15 million. The largest city in America was Philadelphia, population 45 thousand.



Washington Taking Leave of His Officers



Detail, City of Philadelphia, 1768

General Sullivans Book

General *WASHINGTON*'s

RESIGNATION AND ADDRESS,

IN A

CIRCULAR LETTER

TO THE

Honorable the PRESIDENT

OF THE

State of *New-Hampſhire.*

NEW-HAMPSHIRE:

PRINTED, AND TO BE SOLD AT THE PRINTING OFFICE IN EXETER. M.DCC.LXXXIII.

General Washington's Resignation and Address in a Circular Letter...

When Washington was finally able to give up command of the Continental Army, he did so by calling for an effective national government to preserve the independence the Americans had won through eight years of arduous war.

Washington's peaceful resignation of military power confirmed him as the nation's greatest hero. While he was no deep political theorist, he was a shrewd leader with enormous prestige and unshakeable republican principles. The *Address*, sometimes called "Washington's Legacy," called for "An indissoluble Union of the States under one Federal Head."

Magna Carta, Manuscript copy. English. c. 1325 to 1350.

The Magna Carta was the cornerstone of the ancient tradition of constitutional government which was the American colonists' inheritance from Britain.

Forced upon King John by his barons in 1215, the Magna Carta stated that the King was not an absolute monarch but was, like all Englishmen, subject to the law.

Constitutional government based on written laws and the separation of powers were codified in this historic document.

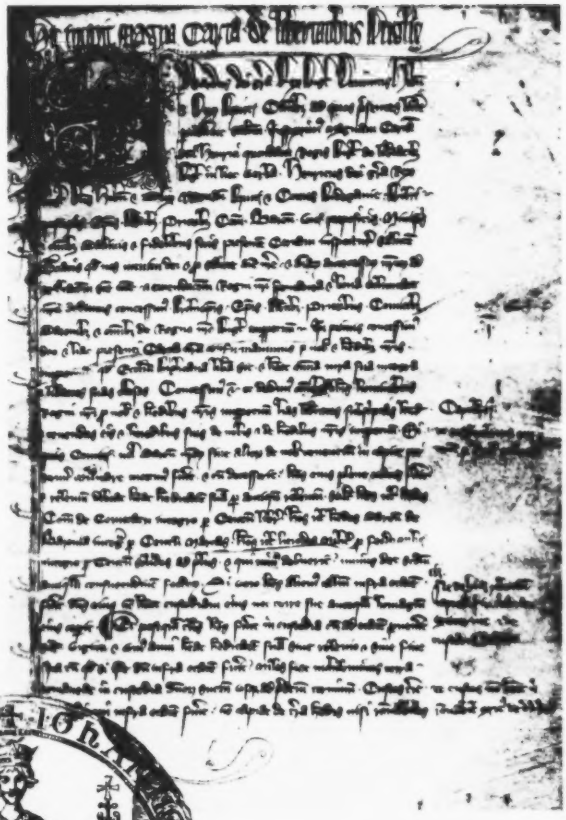
Journal of the Albany Congess, 1754, Contemporary manuscript copy. (Page 11)

At the Albany Congress of 1754, Benjamin Franklin proposed a plan for colonial union.

As war with France threatened, delegates met in Albany, New York, to discuss common defenses and the possibility of a closer union of the colonies. The Congress adopted Franklin's plan of union.

The journal is opened to the first articles of his proposal. Appointed by the Crown, the "President-General" would serve as executive, while the national legislature, the "house of representatives," would be elected on the basis of population. Franklin's formula for the number of representatives for each colony appears on the right-hand page.

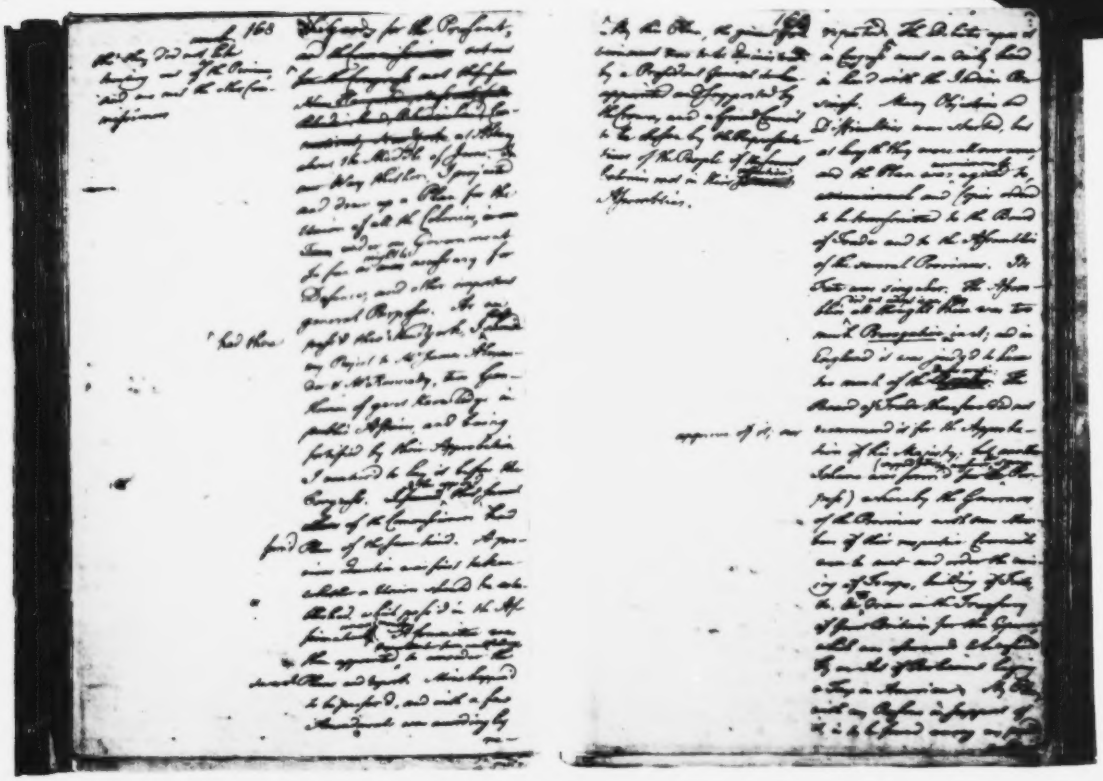
The plan proved unacceptable to both British and colonial governments. Benjamin Franklin remained convinced, to the end of his life, that the American Revolution could have been avoided if his plan for colonial union had been adopted. But Franklin was philosophical: "such mistakes are not new," he wrote in his *Autobiography*, "History is full of the Errors of States and Princes."



Copy of King John's Seal to Magna Carta

Massachusetts Bay	7
New Hampshire	2
Connecticut	5
Rhode Island	2
New York	4
New Jersey	3
Pensylvania	6
MaryLand	4
Virginia	7
North Carolina	4
South Carolina	4
	48

Under Franklin's plan, the population of the various Colonies would determine the number of votes in the national legislature.



Benj.ª Franklin

Congress Voting Independence
by Edward Savage

IN CONGRESS. JULY 4. 1776.

The unanimous Declaration of the thirteen united States of America.

When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's god entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed. — That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence indeed will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them to arbitrary power, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. — Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this let facts be submitted to a candid world. —

He has refused his assent to laws, the most wholesome and necessary for the public good. —

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them. —

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them and formidable to tyrants only. —

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures. —

He has dissolved representative houses repeatedly, for opposing with manly firmness his invasions on the rights of the people. —

He has refused for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining in the mean time exposed to all the dangers of invasion from without and convulsions within. —

He has endeavored to prevent the population of these states; for that purpose obstructing the laws for the naturalization of foreigners, refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands. —

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers. —

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries. —

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance. —

He has kept among us, in times of peace, standing armies without the consent of our legislatures. —

He has affected to render the military independent of, and superior to the civil power. —

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation: —

For quartering large bodies of armed troops among us: —

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states: —

For cutting off our trade with all parts of the world: —

For imposing taxes on us without our consent: —

For depriving us in many cases of the benefits of trial by jury: —

For transporting us beyond seas to be tried for pretended offences: —

For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies: —

For taking away our charters, abolishing our most valuable laws and altering fundamentally the forms of our governments: —

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever. —

He has abdicated government here, by declaring us out of his protection and waging war against us. —

He has plundered our seas, ravaged our coasts, burned our towns, and destroyed the lives of our people. —

He is at this time transporting large armies of foreign mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation. —

He has constrained our fellow citizens taken captive on the high seas to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands. —

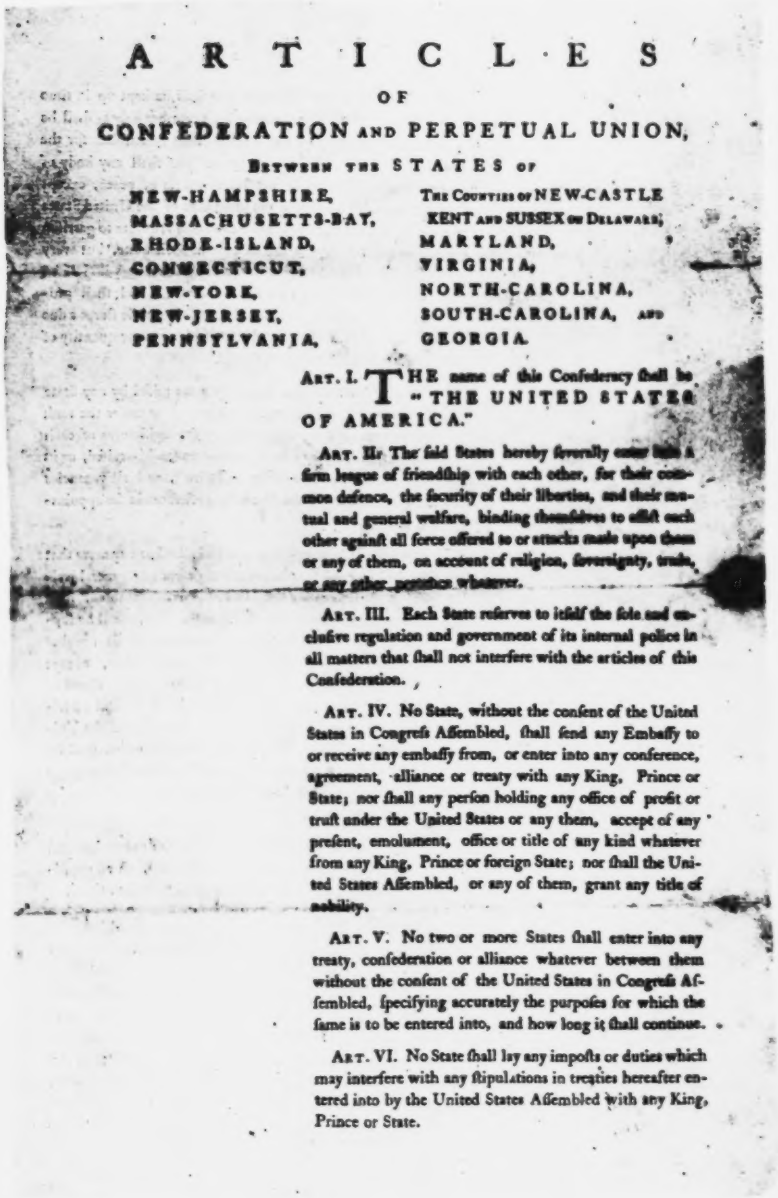
He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless indian savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions We have petitioned for redress in the most humble terms: Our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant is unfit to be the ruler of a free people. —

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends. —

We, therefore, the Representatives of the united States of America, in General Congress Assembled, appealing to the supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. — And for the support of this Declaration, with a firm reliance on the Protection of divine Providence we mutually pledge to each other our Lives, our Fortunes and our sacred Honor. —

John Hancock



ARTICLES

OF

CONFEDERATION AND PERPETUAL UNION,

BETWEEN THE STATES OF

NEW-HAMPSHIRE,
MASSACHUSETTS-BAY,
RHODE-ISLAND,
CONNECTICUT,
NEW-YORK,
NEW-JERSEY,
PENNSYLVANIA,
THE COUNTIES OF NEW-CASTLE KENT AND SUSSEX ON DELAWARE,
MARYLAND,
VIRGINIA,
NORTH-CAROLINA,
SOUTH-CAROLINA, AND
GEORGIA.

ART. I. THE name of this Confederacy shall be "THE UNITED STATES OF AMERICA."

ART. II. The said States hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to or attacks made upon them or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ART. III. Each State reserves to itself the sole and exclusive regulation and government of its internal police in all matters that shall not interfere with the articles of this Confederation.

ART. IV. No State, without the consent of the United States in Congress Assembled, shall send any Embassy to or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any King, Prince or State; nor shall any person holding any office of profit or trust under the United States or any them, accept of any present, emolument, office or title of any kind whatever from any King, Prince or foreign State; nor shall the United States Assembled, or any of them, grant any title of nobility.

ART. V. No two or more States shall enter into any treaty, confederation or alliance whatever between them without the consent of the United States in Congress Assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

ART. VI. No State shall lay any imposts or duties which may interfere with any stipulations in treaties hereafter entered into by the United States Assembled with any King, Prince or State.

Declaration by the Representatives of the United States of America..., Declaration of Independence. (Page 12)

The Declaration of Independence marked the beginning of the remarkable process of constitutional nation-building which continued through the inauguration of the first federal government and the drafting of the Bill of Rights in 1789.

◀ **Articles of Confederation and Perpetual Union...,** Philadelphia. 1776.

The Articles of Confederation was no more than a loose "league of friendship" in which each state retained "its sovereignty, freedom and independence."

The 13 rebelling colonies fought through to victory under the Articles of Confederation, which was adopted in 1777 and finally ratified in 1781. During the war, however, the inadequacies of the Articles as the basis for a strong national government became painfully apparent.

Mr Izzat, from his humble Servant
15. Aug. 1781 John Adams.

A

COLLECTION

OF THE

CONSTITUTIONS

OF THE

THIRTEEN

UNITED STATES, &c.

NEW-HAMPSHIRE.

In CONGRESS, *at* EXETER, *Jan.* 5, 1776.

WE, the members of the congreſs of the colony of New-Hampſhire, choſen and appointed by the free ſuffrages of the people of ſaid colony, and authoriſed and impowered by them, to meet together, and uſe ſuch means, and purſue ſuch meaſures, as we ſhall judge beſt for the public good; and in particular to eſtabliſh ſome form of government, provided that meaſure ſhould be recommended by the Continental Congreſs; and a recommendation to that purpoſe having been tranſmitted to us, from the ſaid Congreſs; have taken into our ſerious conſideration the unhappy circumſtances into which this colony is involved, by means of many grievous and oppreſſive acts of the Britiſh Parliament, depriving

B

The Constitutions of the Several Independent States of America..., Published by order of Congress. Philadelphia, 1781. Inscribed and signed by John Adams.

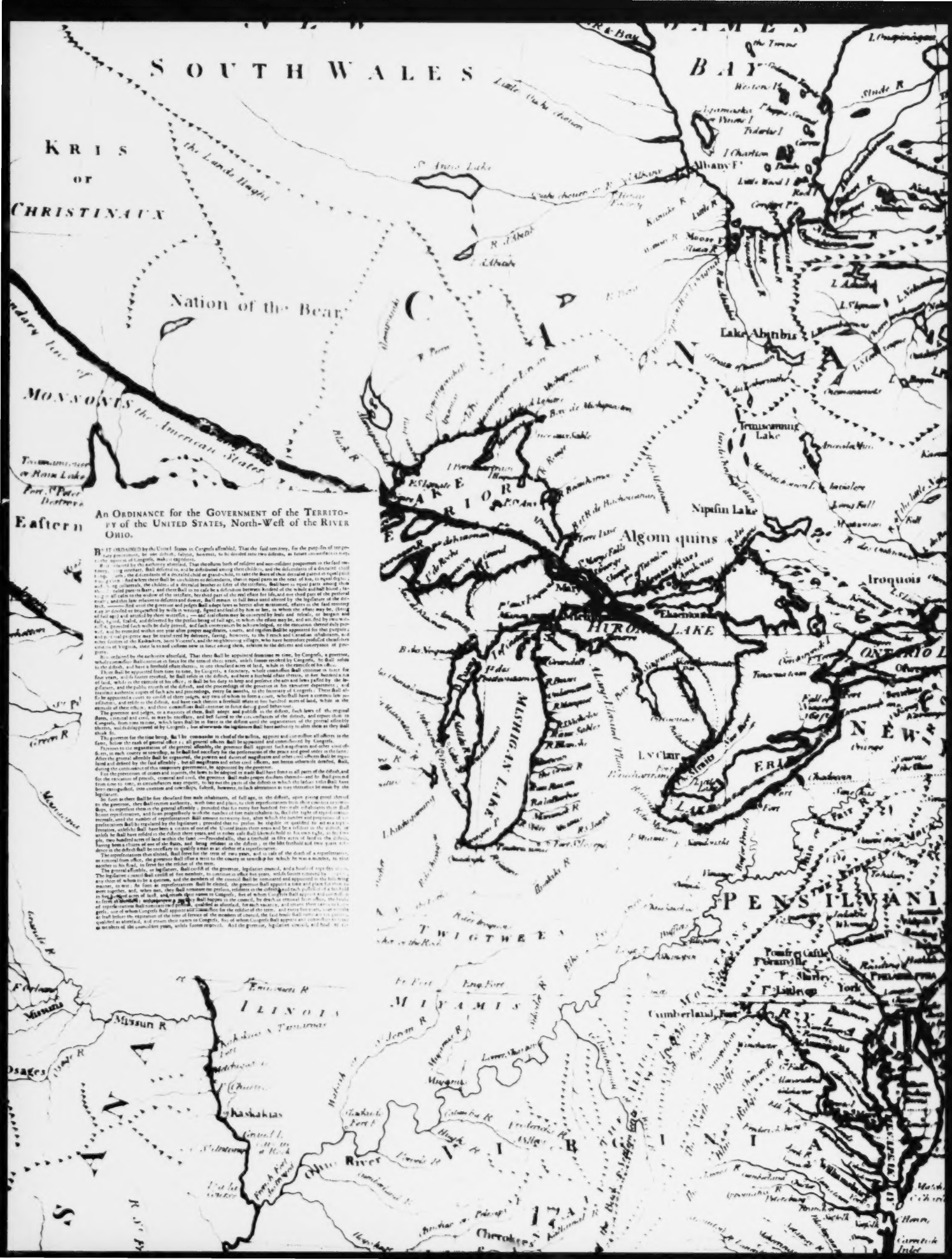
After the break with Britain, the states replaced their colonial charters with written constitutions.

In 1776 Congress urged the states to draft new constitutions; most had done so by 1781. These state constitutions represented an important step towards the creation of the U.S. Constitution, but they also meant even less power for the weak central government under the Articles of Confederation.

An Ordinance for the Government of the Territory of the United States..., The Northwest Ordinance. New York, 1787. ▶

The Ordinance of 1787, which provided government and eventual statehood for the vast Northwest territory, was the greatest achievement of the Congress under the Articles of Confederation. It showed that the states could work together for the good of the nation.

The famous Sixth Article of the Ordinance stated that "There shall be neither slavery nor involuntary servitude in the said territory."



An Ordinance for the Government of the Territory of the United States, North-West of the River Ohio.

BE IT ORDAINED by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district, subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make expedient.

Be it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among their children, and the descendants of a deceased child or grandchild, in equal parts, the descendants of a deceased child or grandchild, to take the share of their deceased parent in equal parts among them: And where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate, shall have in equal parts among them their deceased parent's share; and there shall be no distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as herein after mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, to whom the estate may be, (being of full age) and attested by three witnesses; — and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person being of full age, to whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the executors thereof duly proved, and the deeds registered within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery, saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskias, Saint Vincent's, and the neighbouring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, That there shall be appointed from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress, he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked, he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the secretary of Congress. There shall also be appointed a court to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behaviour.

The governor and judges, or a majority of them, shall adopt and publish in the district, such laws of the original States, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress, from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor for the time being, shall be commander in chief of the militia, appoint and commission all officers in the same, below the rank of general officer; all general officers shall be appointed and commissioned by Congress.

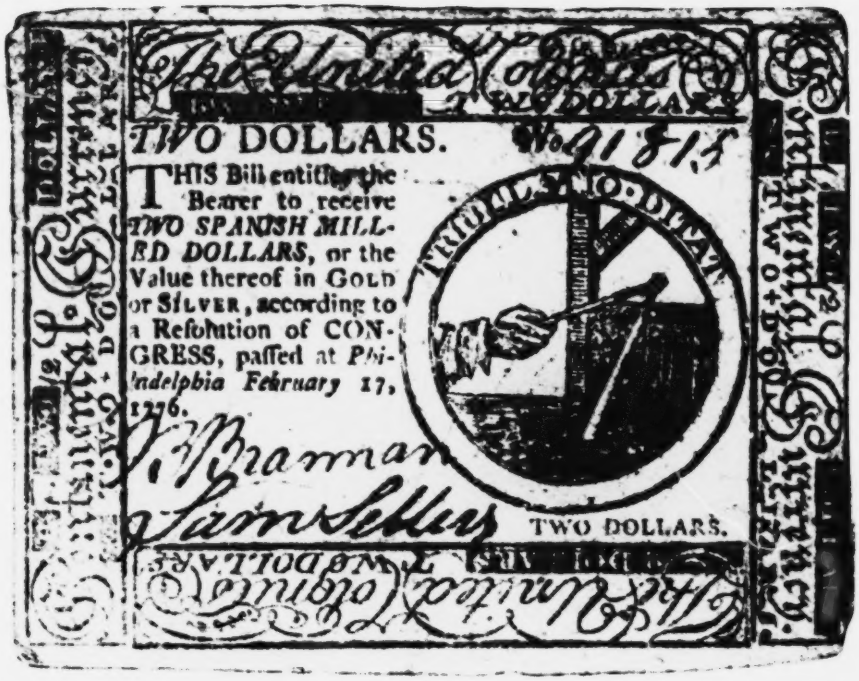
Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall deem necessary for the preservation of the peace and good order in the same. After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly; provided that for every five hundred free male inhabitants there shall be one representative, and so on progressively with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty five, after which the number and proportion of representatives shall be regulated by the legislature; provided that no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years, and in either case shall likewise hold in his own right, in fee simple, two hundred acres of land within the same: — Provided also, that a freehold in fifty acres of land in the district, having been a citizen of one of the states, and being a resident in the district, or the like freehold and two years residence in the district shall be necessary to qualify a man to act as elector of a representative.

The representatives thus elected, shall serve for the term of two years, and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the term.

The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress, any three of whom to be a quorum, and the members of the council shall be summoned and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and, when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in fifty acres of land, and return their names to Congress, five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress, one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of re-


TWO DOLLARS.
THIS Bill entitles the Bearer to receive TWO SPANISH MILLED DOLLARS, or the Value thereof in GOLD or SILVER, according to a Resolution of CONGRESS, passed at Philadelphia February 17, 1776.
TWO DOLLARS.

Continental paper currency. Two dollar bill issued by the "United Colonies."

The crisis of the national debt brought home to many Americans the necessity of a strong federal government.

Throughout the eight years of the Revolution, Congress attempted to finance the war largely by printing money. The result was massive inflation. By 1783, the national debt had reached an extraordinary 200 million dollars.

Gen. DANIEL SHAYS. Col. JOB SHATTUCK.
'Thro' drifted Storms let SHAYS the Court assail
And SHATTUCK rise, illustrious from the Jail
To coward Hands let legal Powers expire,
And give new Subjects to my sounding Lyre

Commonwealth of Massachusetts, A Proclamation...promising pardon and indemnity to all offenders..., Boston, 1787 ▶

Massachusetts granted pardon to the insurgents of "Shays' Rebellion," a popular uprising that convinced many that a strong central government was needed to avoid anarchy.

In Shays' Rebellion bands of impoverished farmers, driven to desperation by high taxes and policies which favored creditors, took control of much of rural Massachusetts, and closed the courts to prevent the seizure of their property. The uprising profoundly alarmed the leading men of America, who feared the despotism of "an excess of democracy" as much as the tyranny of kings.

Commonwealth of Maſſachuſetts.

By His EXCELLENCY

James Bowdoin, Eſq.

GOVERNOUR of the COMMONWEALTH of

MASSACHUSETTS.

A Proclamation.

WHEREAS by an Act paſſed the ſixteenth of February inſtant, entitled, "An Act deſcribing the diſqualifications, to which perſons ſhall be ſubjected, which have been, or may be guilty of Treaſon, or giving aid or ſupport to the preſent Rebellion, and to whom a pardon may be extended," the General Court have eſtabliſhed and made known the conditions and diſqualifications, upon which pardon and indemnity to certain offenders, deſcribed in the ſaid Act, ſhall be offered and given; and have authorized and empowered the Governour, in the name of the General Court, to promiſe to ſuch offenders ſuch conditional pardon and indemnity:

I HAVE thought fit, by virtue of the authority veſted in me by the ſaid Act, to iſſue this Proclamation, hereby promiſing pardon and indemnity to all offenders within the deſcription aforeſaid, who are citizens of this State; under ſuch reſtrictions, conditions and diſqualifications, as are mentioned in the ſaid Act: provided they comply with the terms and conditions thereof, on or before the twenty-first day of March next.

GIVEN at the Council Chamber in Boſton, this Seventeenth Day of February, in the Year of our LORD One Thouſand Seven Hundred and Eighty Seven, and in the Eleventh Year of the Independence of the United States of AMERICA.

JAMES BOWDOIN.

By His Excellency's Command,

JOHN AVERY, jun. Secretary.

BOSTON: Printed by ADAMS & NOURSE, Printers to the GENERAL COURT.

82703 Pro. 2

The First Engraved Map of the United States to Show the Division of the Western Territories, 1784.

The Treaty of Paris of 1783 formally established the independence of the United States and confirmed the nation's claims to the vast western wilderness extending to the Mississippi River. The new United States was already as large as France, Italy, Spain, Britain, and Ireland combined.

★ AMERICA IN 1787

By European standards the states were notable for their immense size. Size alone seemed to argue against a union embracing the entire 2,000 mile sweep from British Quebec to Spanish Florida. In the vastness of this largely agricultural nation, the nearly four million Americans of 1787 were swallowed up. Most lived on isolated farms or plantations or in the smallest of villages. Communities were further set apart by primitive roads, unbridged rivers and long stretches of empty countryside. And the states were separated by more than geography. In many respects, the individual colonies had been more closely linked to the mother country than to each other; even after independence a Boston merchant might have felt more in common with his London counterpart than with a Virginia planter. Yet, the single most divisive feature of the nation's political geography was the unique social and economic system based on the "peculiar institution" of slavery.

Samuel Johnson had asked why it was that so many impassioned advocates of American liberty were themselves the owners of slaves. Nearly all the southern delegates to the Federal Convention were slaveowners, and the tragic irony of that contradiction was not lost on them. The Virginians in particular spoke of their abhorrence for slavery in the strongest terms. Slaveowner James Madison called the peculiar institution "the most oppressive dominion ever exercised by man over man." Slaveowner George Mason prophesied the greatest catastrophe in American history when he told his fellow delegates that slavery would "bring the judgment of heaven on a Country. As nations cannot be rewarded or punished in the next world they must be in this." Slaveowner George Washington called his slaves "the species of property which I hold very repugnant to my own taste," and granted them freedom after his death.

Sadly, gestures like this were all the framers dared. Except for a single stipulation regarding the future end

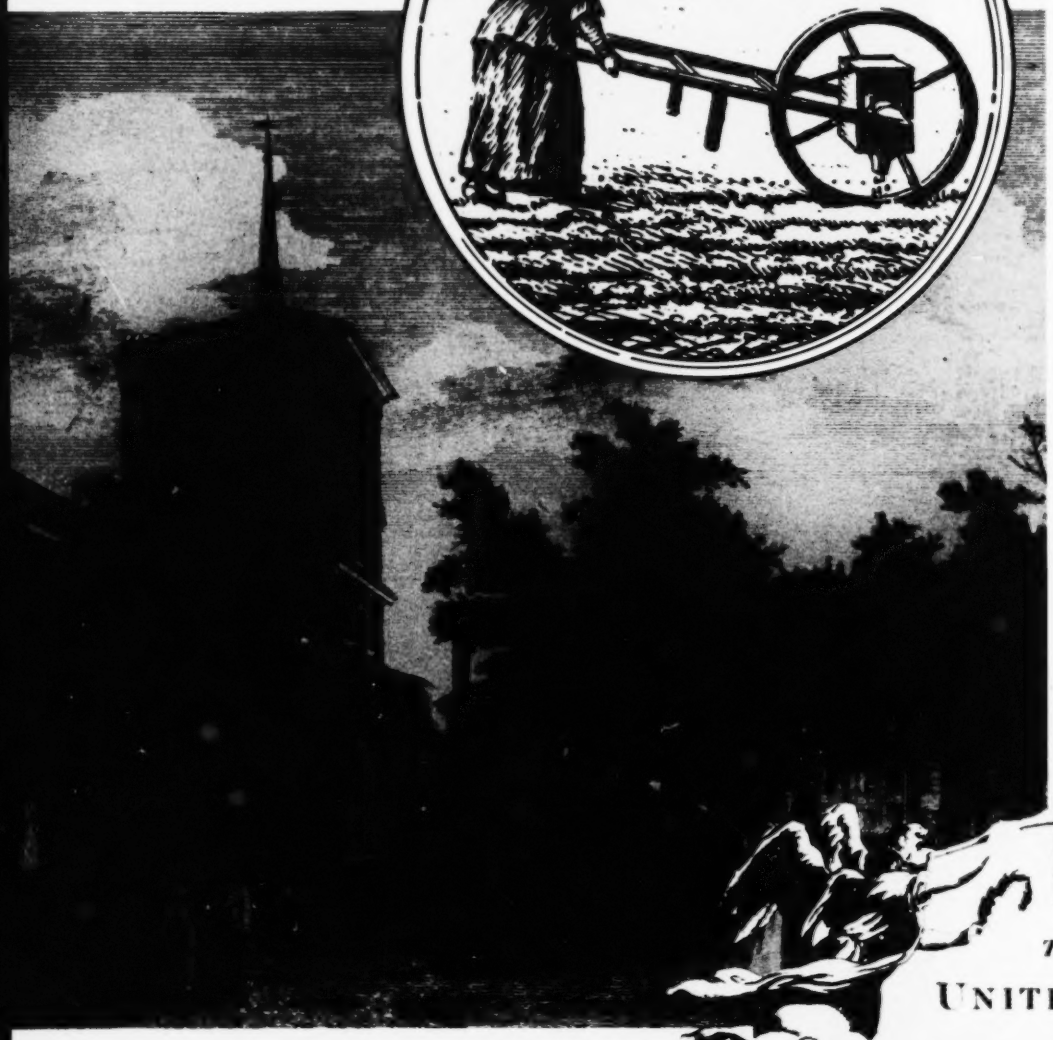
of the slave trade, the Constitution left the institution of slavery intact; the inevitable conflict the delegates left to their posterity.

A COMMON BOND Yet despite the size and diversity of the 13 states, the events of the years preceding the Federal Convention had given their inhabitants many reasons to think of themselves as citizens of a united country. As James Wilson reminded his fellow delegates, the Continental Congress at the outbreak of the Revolution had declared, "Virginia is no more, Pennsylvania is no more.... We are one nation of brethren." The Revolution was of course the most important experience in building this sense of nationhood, particularly for those who served in the Continental Army or the state militias.

When the newly appointed General George Washington came to Massachusetts in June of 1775 to take command of the army beseiging the British forces in Boston, he was dismayed by what he took to be the disrespect and lack of discipline of the democratically minded New Englanders. They seemed to him positively foreign, as no doubt the aristocratic Virginians must have seemed to many of the rough-hewn northern troops. Washington could have mingled far more comfortably with his British adversaries. Eight years later, when the Americans finally learned that Great Britain acknowledged the independence of her former colonies, all this changed. Soldiers from the entire country had lived and fought and sometimes died together. Victory was the triumph of all the states and most of a people who now called themselves Americans.

Detail, *Various 18th Century Agricultural Techniques*

Independence Hall (State House), Philadelphia, site of the Constitutional Convention. Contemporary engraving by William Birch.



DISTRICTS.	Free white Males of sixteen years and upwards, including heads of families.	Free white Males under sixteen years.	Free white Females including heads of families.	All other free persons.	Slaves.	Total.
* Vermont	22,435	22,328	40,505	255	16	85,539
New-Hampshire	36,086	34,851	70.160	630	158	141,885
Maine	24,384	24,748	46,870	538	NONE	96,540
Massachusetts	95,453	87,289	90,582	5,463	NONE	378,787
Rhode-Island	16,019	15,799	32,652	3.407	948	68,825
Connecticut	60,523	54,403	117,448	2,808	2,764	237,946
New-York	83,700	78,122	152,320	4,654	21,324	340,120
New-Jersey	45,251	41,416	83,287	2,762	11,423	184,139
Pennsylvania	110,788	106,948	206,363	6,537	3,737	434,373
Delaware	11,783	12,143	22,384	3,899	8,887	59,094
Maryland	55,915	51,339	101,395	8,043	103,336	319,728
Virginia	110,936	116,135	215,046	12,866	292,627	747,610
Kentucky	15,154	17,057	28,922	114	12,43	73,677
North-Carolina	69,988	77,506	140,710	4,975	100,572	393,751
South-Carolina	35,576	37,722	66,880	1,801	107,094	249,073
Georgia	13,103	14,044	25,739	398	29,264	82,548

	Free white Males of twenty-one years and upwards, including heads of families.	Free Males under twenty-one years of age.	Free white Females including heads of families.	All other Persons.	Slaves.	Total.
SWestern Territory	6,271	10,277	15,365	361	3,417	35,691
N. Do. -	-	-	-	-	-	-

Truly ſtated from the original Returns depoſited in the Office of the Secretary of State.

TH: JEFFERSON.

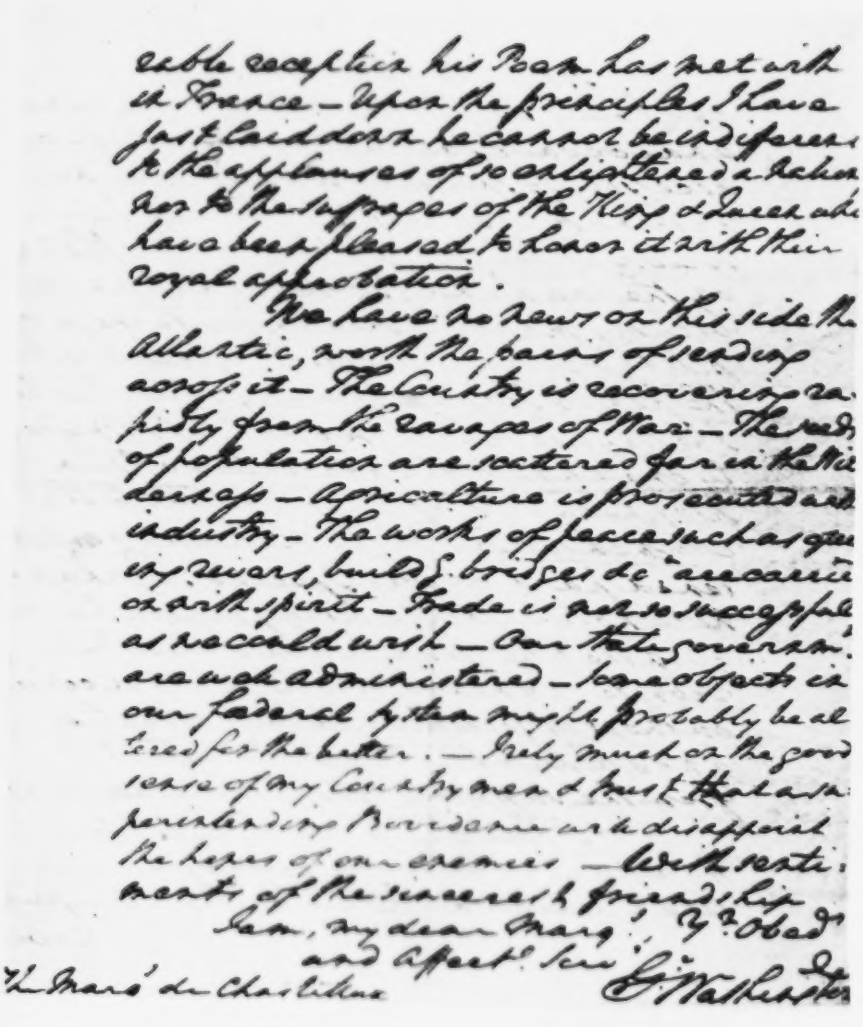
▼ **Benjamin Henry Latrobe's, *An Overseer Doing His Duty.*** Near Fredericksburg, Virginia, Watercolor, 1798.

The plantation economy of much of the South depended upon the institution of slavery. A solution to the terrible dilemma eluded the most gifted political leaders the United States ever assembled.

At the time of the Constitutional Convention, nearly 700 thousand people were living in slavery in the American states, the vast majority in the states from Maryland south. The U.S. Constitution alludes to slavery only four times ("Persons held to Service or Labour") and the only blow against the institution was the abolition of the slave trade after 20 years — in 1807. The Convention reached a compromise by agreeing that for purposes of census, and hence for representation in Congress, each slave would count as three-fifths of a free citizen.

Because the framers recognized that certain southern states would never ratify a constitution which outlawed slavery, they chose national union and postponed the day of reckoning.

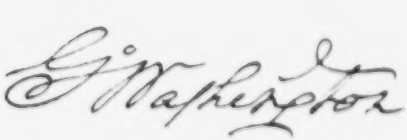
Slaves cultivating tobacco near Fredericksburg, Virginia



George Washington to the Marquis de Chastellux, Autograph letter signed, August 18, 1786.

In this letter to a European friend, Washington sums up the progress and the prospects of the United States in the year before the Constitutional Convention.

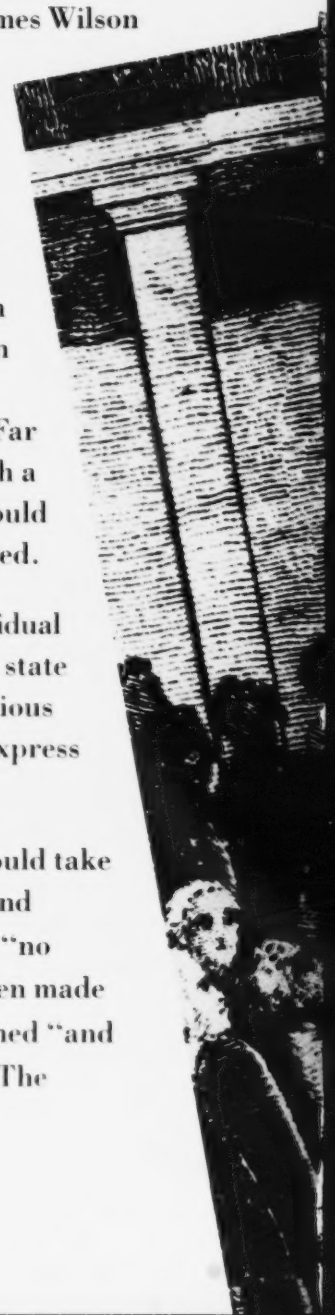
Washington's letter concludes: "*The Country is recovering rapidly from the ravages of War — The seeds of population are scattered far in the Wilderness — Agriculture is prosecuted with industry — The works of peace such as opening rivers, build[in]g bridges & ca. are carried on with spirit — Trade is not so successful as we could wish — Our state govern-m[en]ts are well administered — Some objects in our federal system might probably be altered for the better — I rely much on the good sense of my Countrymen & trust that a superintending Providence will disappoint the hopes of our enemies.*"



★ THE GRAND FEDERAL CONVENTION

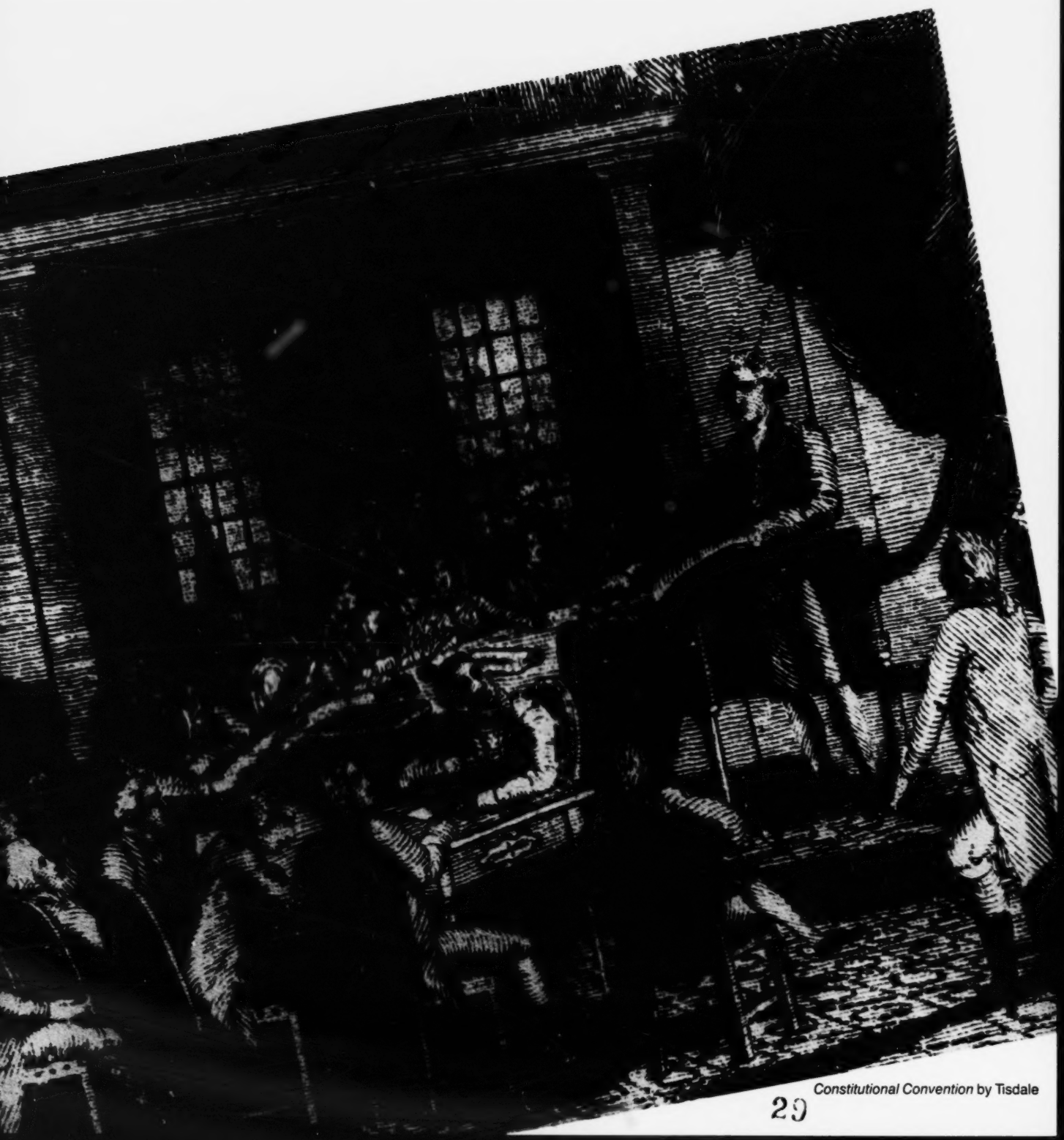
The Convention met in session for the first time on May 25, 1787, a little over a week after the date set by the Confederation Congress. Twelve states had appointed 65 delegates to attend. (Rhode Island, caught up in paper money schemes and fearful of being overwhelmed by the large states in any national government, was determined to go it alone.) Of the 65 designated, 55 actually attended the Convention at one time or another, while only 29 attended all of the sessions.

It could be said that the work of the Convention was carried out by a mere handful of men, whose numbers would certainly include Washington (by virtue of his presence alone since he believed that his election as President precluded his taking part in the debates), Madison, Franklin, James Wilson of Pennsylvania, George Mason, Gouverneur Morris, Roger Sherman, William Paterson, Edmund Randolph and Oliver Ellsworth. Alexander Hamilton, who would play a very important role in the hotly contested ratification fight in New York, signed the Constitution, but attended only long enough to deliver a strange speech extolling the virtues of constitutional monarchy. Two of the most brilliant American statesmen—Thomas Jefferson and John Adams—were abroad on diplomatic mission. Jefferson in Paris wrote to Adams in London when he made his famous characterization of the delegates as "an assembly of demigods." Far away across the sea, Jefferson could idealize his countrymen with a little hyperbole. Back in Philadelphia, however, the delegates would display the wide range of human failings as the summer progressed.



First the delegations presented their credentials, introducing individual members and reporting the instructions they brought from their state governments. None went beyond the Confederate Congress' cautious authorization of "a Convention of Delegates...for the sole and express purpose of revising the Articles of Confederation."

On May 29, the delegates agreed that all of their deliberations would take place in strict secrecy, giving them far greater latitude to bargain and compromise. Many years later, James Madison still believed that "no Constitution would ever have been adopted if the debates had been made public...[T]he minds of the members were changing," he explained "and much was to be gained by a yielding and accommodating spirit." The Convention was now ready to begin its work in earnest.



Constitutional Convention by Tisdale

Begin it did when Edmund Randolph, the young governor of Virginia, took the floor to urge upon his colleagues a system of government outlined in the 15 resolutions known as the "Virginia Plan." The author of the plan was, of course, James Madison and it had the support of the entire Virginia delegation and most of the members from the larger states. The Virginia Plan proposed not amending the Articles of Confederation, but rather replacing them with a strong national government possessed of sweeping powers. The new government would consist of three branches—an executive, a judiciary and a two-house national legislature. The lower house of this legislature would be directly elected by the people, the upper house appointed by the legislatures of the various states. This national legislature was preeminent in the Virginia Plan, since it would, in its turn, appoint the executive and judiciary branches.

On the next day, May 30, the assembly began debate on Randolph's resolution. With great boldness they almost immediately agreed on a single resolution which encompassed the critical essence of the Virginia Plan: "That therefore, a national government ought to be established, consisting of a supreme legislature, judiciary and executive."

So less than a week after convening, the Convention had already made the momentous decision which would shape both the course of the summer's debates and the future of the United States. A sense of destiny descended upon the meeting room. George Mason described it in a letter to his son: "The Revolt from Great Britain and the formation of our new government at that time were nothing compared to the great business now before us...to view through the calm, sedate medium of reason the influence which the establishment now proposed may have upon the happiness and misery of millions yet unborn is an object of such magnitude as absorbs and in a manner suspends, the operation of human understanding."

Few of the delegates seemed seriously troubled by exceeding, so early and so completely, the instructions they had been given by Congress and the governments of their own states. They were in agreement—small state and large, north and south, merchant and planter—in their determination to fashion a new government for the new nation. Although the most difficult days still lay ahead, there was remarkable harmony as to that mission. The delegates would continue to exercise the genius for compromise Americans seemed to possess in such abundance. From the beginning then, it was clear that the great dispute of the Federal Convention would not be over the powers granted to the new government, but over who would wield those powers.

No doubt the delegates had foreseen that this dispute, which threatened to wreck the Convention, would arise over the issue of state representation in the national legislature. The Virginia Plan proposed population as the basis, surely the only just method, said Madison, in a government in which all power derived from the governed. The small-state delegates, however, were emphatic in their disagreement. They would not, they insisted, relinquish the equality with the large states they had enjoyed since the first Continental Congress in 1774.

On June 15, William Paterson of New Jersey, on behalf of his and some other small states, proposed an alternative to the Virginia Plan which we remember as the "New Jersey Plan." Rather than create a new government, Paterson suggested giving increased powers to the Confederation Congress. State representation in the Congress would of course remain equal. Paterson and his small-state colleagues recognized that they would constitute a small minority in a legislature based on proportional representation. To take the example of the largest and the smallest states represented at the Convention, Virginia might receive 10 times the number of votes accorded to Delaware.

Madison and his allies attacked the new plan as completely unacceptable and the Convention entered the second half of June in deadlock as tempers grew as hot as the weather. "[E]qual numbers of people ought to have an equal number of representatives," James Wilson argued. "Are not the citizens of Pennsylvania equal to those of New Jersey? Does it require a hundred and fifty of the former to balance fifty of the latter?" He would never persuade Paterson who insisted that "New Jersey will never confederate on the plan before the Committee [i.e., the Virginia Plan]. She would be swallowed up. I would rather submit to a despot than such a fate." The delegation from Delaware flatly declared that they would walk out if the Convention tampered with the customary one-state-one-vote formula. Fearful of dissolving the assembly, the members backed away from the explosive issue.

By now all the delegates must have been able to make out the shape of one possible (perhaps the only possible) compromise which could reconcile the two factions. Indeed it had been voiced on the floor as early as the first week in June: a two-house legislature with proportional representation in the lower house and equal representation in the upper, which some delegates were already calling the Senate. On June 29, the assembly moved one step closer to agreement by formally adopting a motion stating that representation in the lower house would be based on population. The small states indicated that they would accept this if they were given equality in the upper house. Madison and Wilson still refused to compromise.

On July 2, Roger Sherman of Connecticut took the floor to tell the assembled statesmen that "We are now at full stop, and nobody...meant that we should break up without doing something. A committee [is] most likely to hit on some expedient." Madison opposed the appointment of the committee, but was outvoted. The Convention then adjourned for two days to take part in Philadelphia's celebration of the 11th anniversary of American independence. When the delegates assembled again on July 5, it was to hear the solution all had expected—an endorsement of the proposed compromise.

The large-state nationalists, led by Madison and Wilson, would not accept the committee's recommendation, which they regarded, with some justification, as less a compromise than a surrender to the demands of the small states at the expense of republican principles. Another two weeks of often-angry debate followed. The supporters of the compromise never did persuade Madison and Wilson, but they did succeed in outvoting them. On July 16, the Federal Convention agreed to the committee report containing the crucial provision for equal representation in one house of the national legislature. The vote was close: Connecticut, New Jersey, Delaware, Maryland and North Carolina in favor; Pennsylvania, Virginia, South Carolina and Georgia in opposition; Massachusetts split. These opponents were willing, however, to accept the decision of the Convention and the "Great Compromise" became history. Although a full two months of work lay ahead, there was no doubt now that the men of 1787 would succeed in creating a constitution.

The steady progress the Convention made for the rest of the summer may be traced through the documents presented in the pages which follow. By September 17, 1787, the delegates were ready to sign the constitution they had so arduously pieced together. In a vain plea for unanimity (George Mason, Edmund Randolph and Elbridge Gerry refused to sign) Benjamin Franklin admitted that he, too, saw many imperfections, but declared "I consent, sir, to this Constitution because I expect no better." It was again the voice of American pragmatism, the genius for compromise which Madison had called "a yielding and accommodating spirit."

Benjamin Franklin had the chance to give voice again when a friend asked him what the Grand Federal Convention had accomplished. His reply was for all the people of the new nation and for all the Americans to come:

"You have a Republic," Franklin said simply, "if you can keep it."

George Washington to George Augustine Washington, Autograph letter, June 3, 1787.

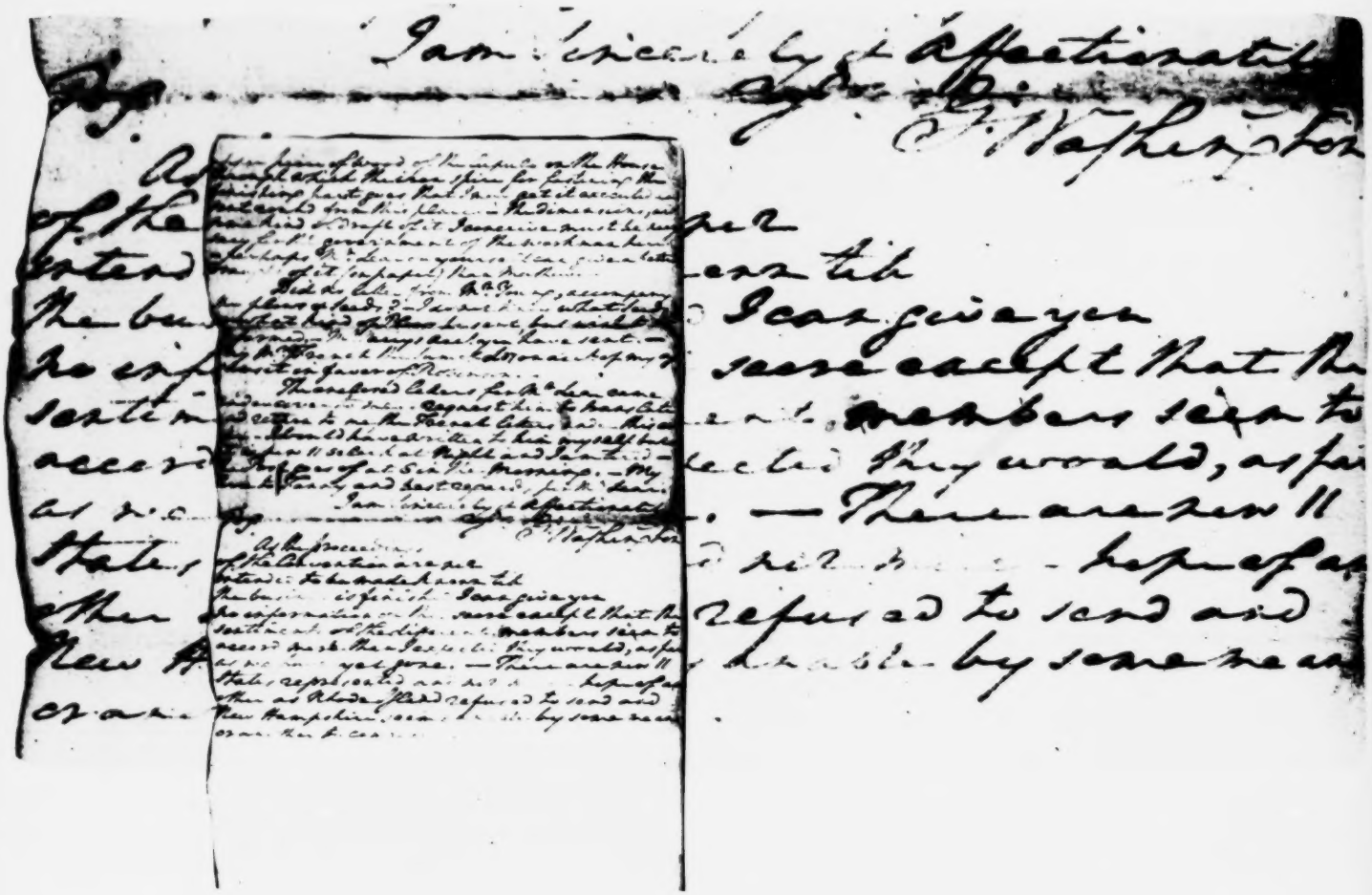
One of the wisest decisions the delegates made was to conduct the Constitutional Convention in secrecy. This gave the delegates the freedom to experiment, compromise, speak frankly, and change their votes, all without fear of publicity.

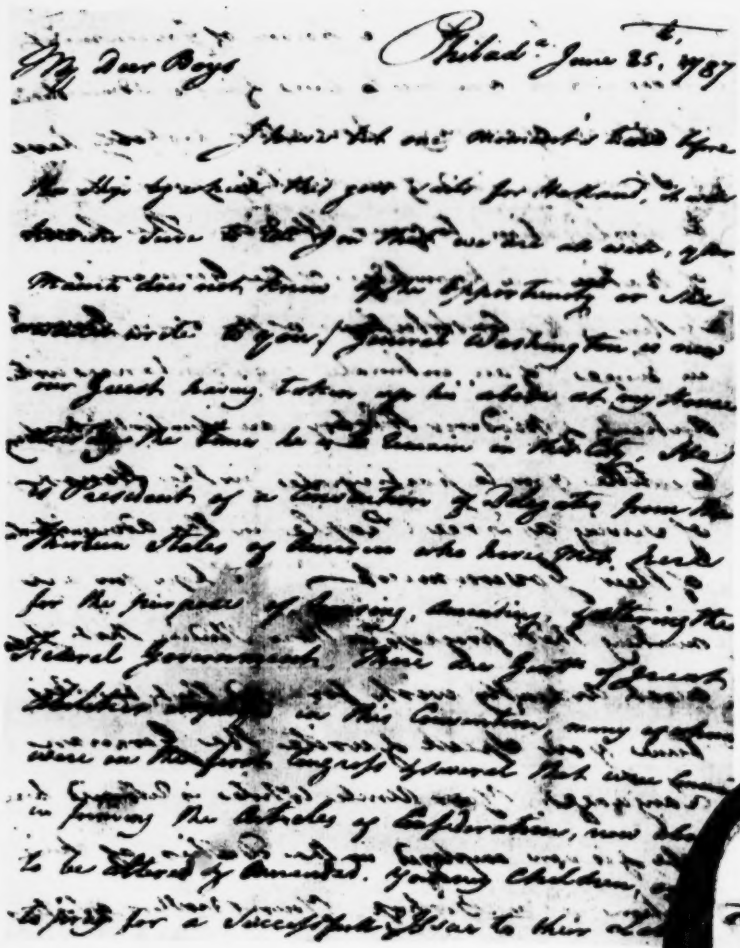
Even in this private letter to his nephew, George Washington does no more than hint at the Convention's progress. His postscript reads: *"As the proceedings of the Convention are not intended to be made known till the business is finished I can give you no information on this score except that the sentiments of the different members seem to accord more than I expected they would, as far as we have yet gone."*

As Washington suggests here, among the delegates, there was a high degree of consensus, especially that the Union must be strengthened.

James Madison (1751-1836)

James Madison is acknowledged as the principal architect of the U.S. Constitution. Only 36 years old in 1787, he was the leading spirit of the dominant faction, the federalists, most of them delegates from large states, who were determined to use the Constitutional Convention to build a strong national government for the United States.

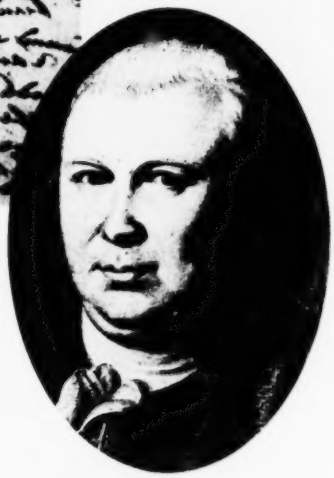


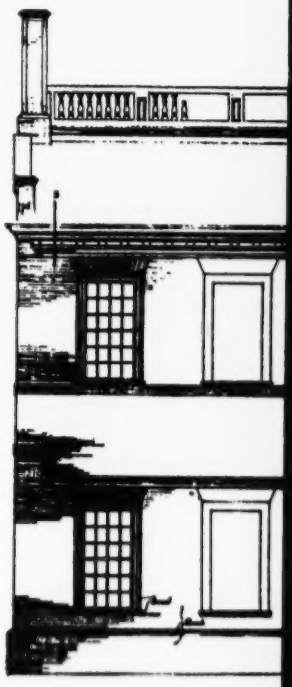


Robert Morris to his sons, Robert and Thomas, Autograph letter signed, June 25, 1787.

Robert Morris uses the Constitutional Convention to urge his two young sons to attend to their school work.

Morris was the great financier of the American Revolution and a Pennsylvania delegate to the Constitutional Convention. His sons had been attending school in Europe for the past several years. Their father writes that: "*General Washington is now our Guest having taken up his abode at my House....He is President of a Convention of Delegates...who have met here for the purposes of Revising, Amending & altering the Federal Government....You my children, ought to pray for a successful issue to their Labours as the result is to be a Form of Government under which you are to live & in the Administration of which you may hereafter probably have a share provided you Qualify yourselves by application to your Studies....*"





The Virginia Plan in John Quincy Adams' **Journal...of the Convention ...which formed the Constitution ...,** Boston,1819.

The Virginia Plan set the agenda for the Constitutional Convention by calling for the discarding of the Articles of Confederation in favor of a strong central government. When the debating ended, the outlines of the Virginia Plan were to be perceived beneath the framework of the finished Constitution.

May 29.] FEDERAL CONVENTION. 67

RESOLUTIONS

OFFERED BY MR. EDMUND RANDOLPH TO THE CONVENTION, MAY 29, 1787.

1. RESOLVED, That the articles of the confederation ought to be so corrected and enlarged, as to accomplish the objects proposed by their institution, namely, common defence, security of liberty, and general welfare.

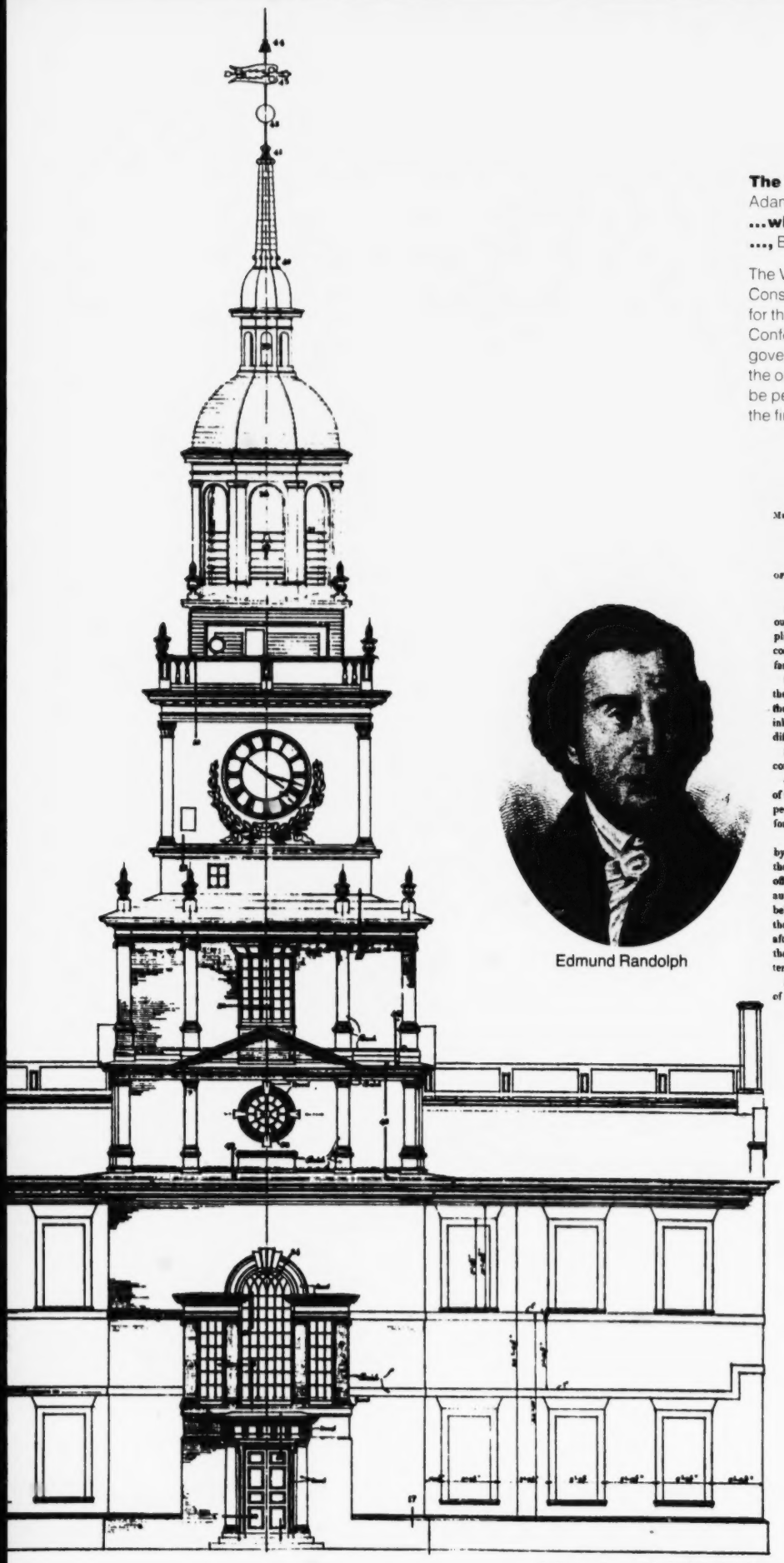
2. Resolved, therefore, that the right of suffrage, in the national legislature, ought to be proportioned to the quotas of contribution, or to the number of free inhabitants, as the one or the other may seem best, in different cases.

3. Resolved, That the national legislature ought to consist of two branches.

4. Resolved, That the members of the first branch of the national legislature ought to be elected by the people of the several states, every for the term of to be of the age of years at least; to receive liberal stipends, by which they may be compensated for the devotion of their time to publick service; to be ineligible to any office established by a particular state, or under the authority of the United States (except those peculiarly belonging to the functions of the first branch) during the term of service and for the space of after its expiration; to be incapable of re-election for the space of after the expiration of their term of service; and to be subject to recal.

5. Resolved, That the members of the second branch of the national legislature ought to be elected by those

Edmund Randolph



Independence Hall, Philadelphia

William Paterson

THE

PAPERS

OF

JAMES MADISON,

PURCHASED BY ORDER OF CONGRESS;

BEING

HIS CORRESPONDENCE AND REPORTS OF DEBATES DURING THE CONGRESS OF THE CONFEDERATION

AND

HIS REPORTS OF DEBATES

IN THE

FEDERAL CONVENTION;

NOW PUBLISHED FROM THE ORIGINAL MANUSCRIPTS, DEPOSITED IN THE DEPARTMENT OF STATE, BY DIRECTION OF THE JOINT LIBRARY COMMITTEE OF CONGRESS, UNDER THE SUPERINTENDENCE

OF

HENRY D. GILPIN.

VOLUME II.

WASHINGTON:
LANGTREE & O'SULLIVAN.
1840.

◀ **The New Jersey Plan and the Great Compromise, Papers of James Madison...,** Washington, 1840.

Delegates from the small states, fearful of losing power in a national legislature with representation based on population, countered the Virginia Plan with their own proposal, the New Jersey Plan, in which each state would have an equal vote.

On the following pages:

Report of the Committee of Detail, "We the People of the States of New-Hampshire...," Philadelphia. Reported to the Convention August 6, 1787.

Report of the Committee of Style and Arrangement, "We the People of the United States...," Philadelphia. Reported to the Convention September 13, 1787.

Members' Edition of the U.S. Constitution, "We the People of the United States...," Philadelphia. Adopted and signed September 17, 1787.

These three versions of the Constitution were printed for the use of the delegates as the document evolved during the summer of 1787. The first two were in the form of proposals submitted by two committees to the Convention as a whole; the third was the finished Constitution as it was to be sent to the American people for ratification.

The first two versions were printed in secrecy and were probably limited to no more than sixty copies, of which only a very few are known to have survived.

Some idea of the progress the delegates made can be gained by noting that the first draft began with the words: "We the People of New-Hampshire, Massachusetts, Rhode-Island...," while the Preamble to the finished Constitution reads, "We the People of the United States..."

A view of Independence Hall, Philadelphia

Cartoon, 1798, shows two Congressmen fighting on the floor of Congress.

Report of the Committee of Detail.

This is the very rare first working draft of the Constitution, secretly printed for the use of the delegates in the ongoing debates. Page five is from George Mason's copy with his autograph notes.

Mason distrusted executive power. On page five he questioned "whether the president ought to command the army personally" and insisted that the President take an oath to obey the Constitution.

No more than 10 copies of this printing are known to have survived. The Huntington Library holds two and leaves from both are reproduced here.

WE the People of the States of New-Hampſhire, Maſſachuſetts, Rhode-Iſland and Providence Plantations, Connecticut, New-York, New-Jerſey, Pennſylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, do ordain, declare and eſtabliſh the following Conſtitution for the Government of Ourſelves and our Poſterity.

ARTICLE I.

The ſtile of this Government ſhall be, "The United States of America."

II.

The Government ſhall conſiſt of ſupreme legiſlative, executive and judicial powers.

III.

The legiſlative power ſhall be veſted in a Congreſs, to conſiſt of two ſeparate and diſtinct bodies of men, a Houſe of Repreſentatives, and a Senate; each of which ſhall, in all caſes, have a negative on the other. The Legiſlature ſhall meet on the firſt Monday in December in every year.

IV.

Sect. 1. The Members of the Houſe of Repreſentatives ſhall be choſen every ſecond year, by the people of the ſeveral States comprehended within this Union. The qualifications of the electors ſhall be the ſame, from time to time, as thoſe of the electors in the ſeveral States, of the moſt numerous branch of their own legiſlatures.

Sect. 2. Every Member of the Houſe of Repreſentatives ſhall be of the age of twenty-five years at leaſt; ſhall have been a citizen in the United States for at leaſt three years before his election; and ſhall be, at the time of his election, a reſident of the State in which he ſhall be choſen.

Sect. 3. The Houſe of Repreſentatives ſhall, at its firſt formation, and until the number of citizens and inhabitants ſhall be taken in the manner herein after deſcribed, conſiſt of ſixty-five Members, of whom three ſhall be choſen in New-Hampſhire, eight in Maſſachuſetts, one in Rhode-Iſland and Providence Plantations, five in Connecticut, ſix in New-York, four in New-Jerſey, eight in Pennſylvania, one in Delaware, ſix in Maryland, ten in Virginia, five in North-Carolina, five in South-Carolina, and three in Georgia.

Sect. 4. As the proportions of numbers in the different States will alter from time to time; as ſome of the States may hereafter be divided; as others may be enlarged by addition of territory; as two or more States may be united; as new States will be erected within the limits of the United States, the Legiſlature ſhall, in each of thoſe caſes, regulate the number of repreſentatives by the number of inhabitants, according to the proviſions herein after made, at the rate of one for every forty thouſand.

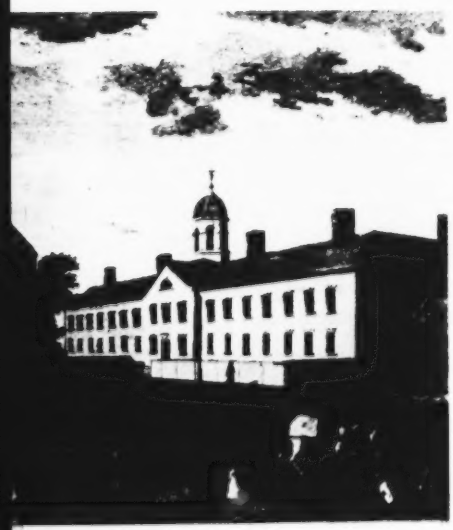
Sect. 5. All bills for raiſing or appropriating money, and for fixing the ſalaries of the officers of government, ſhall originate in the Houſe of Repreſentatives, and ſhall not be altered or amended by the Senate. No money ſhall be drawn from the public Treaſury, but in purſuance of appropriations that ſhall originate in the Houſe of Repreſentatives.

Sect. 6. The Houſe of Repreſentatives ſhall have the ſole power of impeachment. It ſhall chooſe its Speaker and other officers.

Sect. 7. Vacancies in the Houſe of Repreſentatives ſhall be ſupplied by writs of election from the executive authority of the State, in the repreſentation from which they ſhall happen.

V.

Contemporary engraving by William Birch



or cauſe, the court ſhall nevertheleſs proceed to pronounce judgment. The judgment ſhall be final and concluſive. The proceedings ſhall be tranſmitted to the Preſident of the Senate, and ſhall be lodged among the public records for the ſecurity of the parties concerned. Every commiſſioner ſhall, before he ſit in judgment, take an oath, to be adminiſtered by one of the judges of the ſupreme or ſuperior court of the ſtate where the cauſe ſhall be tried, "well "and truly to hear and determine the matter in queſtion, according to the "beſt of his judgment, without favour, affection, or hope of reward."

Sect. 3. All controverſies concerning lands claimed under different grants of two or more States, whoſe juriſdictions, as they reſpect ſuch lands, ſhall have been decided or adjuſted ſubſequent to ſuch grants, or any of them, ſhall, on application to the Senate, be finally determined, as near as may be, in the ſame manner as is before preſcribed for deciding controverſies between different States.

X.

Sect. 1. The Executive Power of the United States ſhall be veſted in a ſingle perſon. His ſtile ſhall be, "The Preſident of the United States of Ame-"ca;" and his title ſhall be, "His Excellency." He ſhall be elected by ballot by the Legiſlature. He ſhall hold his office during the term of ſeven years; but ſhall not be elected a ſecond time.

Sect. 2. He ſhall, from time to time, give information to the Legiſlature of the State of the Union: he may recommend to their conſideration ſuch meaſures as he ſhall judge neceſſary, and expedient: he may convene them on extraordinary occaſions. In caſe of diſagreement between the two Houſes, with regard to the time of adjournment, he may adjourn them to ſuch time as he think proper: he ſhall take care that the laws of the United States be duly and faithfully executed: he ſhall commiſſion all the officers of the United States; and ſhall appoint officers in all caſes not otherwiſe provided for by this conſtitution. He ſhall receive Ambaſſadors, and [illegible] the Supreme Executive of the United States. He ſhall have power to grant reprieves and pardons [illegible] in bar of an impeachment. He ſhall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the ſeveral States. He ſhall, at ſtated times, receive for his ſervices, a compenſation, which ſhall neither be encreaſed nor diminiſhed during his continuance in office. Before he ſhall enter on the duties of his department, he ſhall take the following Oath or Affirmation, "I ——— ſo-"lemnly ſwear (or affirm) that I will faithfully execute the Office of Preſi-"dent of the United States of America." He ſhall be removed from his office on impeach ment by the Houſe of Repreſentatives, and conviction in the Supreme Court, of treaſon, bribery, or corruption. In caſe of his removal as aforeſaid, death, reſignation, or diſability to diſcharge the powers and duties of his office, the Preſident of the Senate ſhall exerciſe thoſe powers and duties until another Preſident of the United States be choſen, or until the diſability of the Preſident be removed.

XI.

Sect. 1. The Judicial Power of the United States ſhall be veſted in one Supreme Court, and in ſuch Inferior Courts as ſhall, when neceſſary, from time to time, be conſtituted by the Legiſlature of the United States.

Sect. 2. The Judges of the Supreme Court, and of the Inferior courts, ſhall hold their offices during good behaviour. They ſhall, at ſtated times, receive for their ſervices, a compenſation, which ſhall not be diminiſhed during their continuance in office.

Sect. 3. [illegible] to all caſes affecting Ambaſſadors, other Public Miniſters and Conſuls; to the trial of impeachment

WE, the People of the United States, in order to form a more perfect union, to eſtabliſh juſtice, inſure domeſtic tranquility, provide for the common defence, promote the general welfare, and ſecure the bleſſings of liberty to ourſelves and our poſterity, do ordain and eſtabliſh this Conſtitution for the United States of America.

ARTICLE I.

Sect. 1. ALL legiſlative powers herein granted ſhall be veſted in a Congreſs of the United States, which ſhall conſiſt of a Senate and Houſe of Repreſentatives.

Sect. 2. The Houſe of Repreſentatives ſhall be compoſed of members choſen every ſecond year by the people of the ſeveral ſtates, and the electors in each ſtate ſhall have the qualifications requiſite for electors of the moſt numerous branch of the ſtate legiſlature.

No perſon ſhall be a repreſentative who ſhall not have attained to the age of twenty-five years, and been ſeven years a citizen of the United States, and who ſhall not, when elected, be an inhabitant of that ſtate in which he ſhall be choſen.

Repreſentatives and direct taxes ſhall be apportioned among the ſeveral ſtates which may be included within this Union, according to their reſpective numbers, which ſhall be determined by adding to the whole number of free perſons, including thoſe bound to ſervitude for a term of years, and excluding Indians not taxed, three-fifths of all other perſons. The actual enumeration ſhall be made within three years after the firſt meeting of the Congreſs of the United States, and within every ſubſequent term of ten years, in ſuch manner as they ſhall by law direct. The number of repreſentatives ſhall not exceed one for every forty thouſand, but each ſtate ſhall have at leaſt one repreſentative; and until ſuch enumeration ſhall be made, the ſtate of New-Hampſhire ſhall be entitled to chuſe three, Maſſachuſetts eight, Rhode-Iſland and Providence Plantations one, Connecticut five, New-York ſix, New-Jerſey four, Pennſylvania eight, Delaware one, Maryland ſix, Virginia ten, North-Carolina five, South-Carolina five, and Georgia three.

When vacancies happen in the repreſentation from any ſtate, the Executive authority thereof ſhall iſſue writs of election to fill ſuch vacancies.

The Houſe of Repreſentatives ſhall chooſe their Speaker and other officers; and they ſhall have the ſole power of impeachment.

Sect. 3. The Senate of the United States ſhall be compoſed of two ſenators from each ſtate, choſen by the legiſlature thereof, for ſix years: and each ſenator ſhall have one vote.

Immediately after they ſhall be aſſembled in conſequence of the firſt election, they ſhall be divided as equally as may be into three claſſes. The ſeats of the ſenators of the firſt claſs ſhall be vacated at the expiration of the ſecond year, of the ſecond claſs at the expiration of the fourth year, and of the third claſs at the expiration of the ſixth year, ſo that one-third may be choſen every ſecond year; and if vacancies happen by reſignation, or otherwiſe, during the receſs of the Legiſlature of any ſtate, the Executive thereof may make temporary appointments until the next meeting of the Legiſlature.

No perſon ſhall be a ſenator who ſhall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who ſhall not, when elected, be an inhabitant of that ſtate for which he ſhall be choſen.

The Vice-Preſident of the United States ſhall be, ex officio, Preſident of the ſenate, but ſhall have no vote, unleſs they be equally divided.

The Senate ſhall chooſe their other officers, and alſo a Preſident pro tempore, in the abſence of the Vice-Preſident, or when he ſhall exerciſe the office of Preſident of the United States.

The Senate ſhall have the ſole power to try all impeachments. When ſitting for that purpoſe, they ſhall be on oath. When the Preſident of the United States is tried, the Chief Juſtice ſhall preſide: And no perſon ſhall be convicted without the concurrence of two-thirds of the members preſent.

Judgment in caſes of impeachment ſhall not extend further than to removal from office, and diſqualification to hold and enjoy any office of honor, truſt or profit under the United States: but the party convicted ſhall nevertheleſs be liable and ſubject to indictment, trial, judgment and puniſhment, according to law.

Sect. 4. The times, places and manner of holding elections for ſenators and repreſentatives, ſhall be preſcribed in each ſtate by the legiſlature thereof: but the Congreſs may at any time by law make or alter ſuch regulations.

The Congreſs ſhall aſſemble at leaſt once in every year, and ſuch meeting ſhall be on the firſt Monday in December, unleſs they ſhall by law appoint a different day.

Sect. 5. Each houſe ſhall be the judge of the elections, returns and qualifications of its own members, and a majority of each ſhall conſtitute a quorum to do buſineſs: but a ſmaller number may adjourn from day to day, and may be authorized to compel the attendance of abſent members, in ſuch manner, and under ſuch penalties as each houſe may provide.

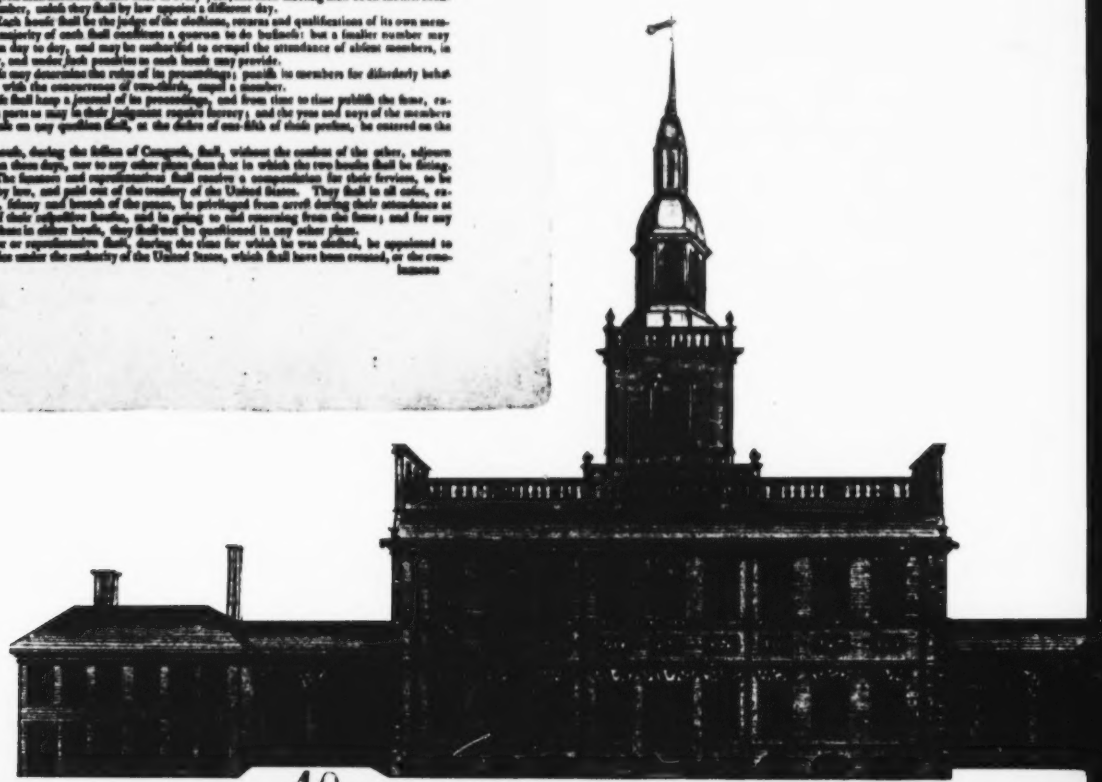
Each houſe may determine the rules of its proceedings; puniſh its members for diſorderly behaviour, and, with the concurrence of two-thirds, expel a member.

Each houſe ſhall keep a journal of its proceedings, and from time to time publiſh the ſame, excepting ſuch parts as may in their judgment require ſecrecy; and the yeas and nays of the members of either houſe on any queſtion ſhall, at the deſire of one-fifth of thoſe preſent, be entered on the journal.

Neither houſe, during the ſeſſion of Congreſs, ſhall, without the conſent of the other, adjourn for more than three days, nor to any other place than that in which the two houſes ſhall be ſitting.

Sect. 6. The ſenators and repreſentatives ſhall receive a compenſation for their ſervices, to be aſcertained by law, and paid out of the treaſury of the United States. They ſhall in all caſes, except treaſon, felony and breach of the peace, be privileged from arreſt during their attendance at the ſeſſion of their reſpective houſes, and in going to and returning from the ſame; and for any ſpeech or debate in either houſe, they ſhall not be queſtioned in any other place.

No ſenator or repreſentative ſhall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which ſhall have been created, or the emoluments



The Senators and Representatives beforementioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

VII.

The ratification of the conventions of nine States, shall be sufficient for the establishment of this constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our Names.

GEORGE WASHINGTON, President,
And Deputy from VIRGINIA.

NEW-HAMPSHIRE.	John Langdon, Nicholas Gilman.	DELAWARE.	George Read, Gunning Bedford, Junior, John Dickinson, Richard Bassett, Jacob Brown.
MASSACHUSETTS.	Nathaniel Gorham, Rufus King.		
CONNECTICUT.	William Samuel Johnson, Roger Sherman.		
NEW-YORK.	Alexander Hamilton.	MARYLAND.	James M'Henry, Daniel of St. Tho. Jenifer, Daniel Carroll.
NEW-JERSEY.	William Livingston, David Brearley, William Paterson, Jonathan Dayton.	VIRGINIA.	John Blair, James Madison, Junior.
PENNSYLVANIA.	Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.	NORTH-CAROLINA.	William Blount, Richard Dobbs Spaight, Hugh Williamson.
		SOUTH-CAROLINA.	John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.
		GEORGIA.	William Few, Abraham Baldwin.

Attest, William Jackson, SECRETARY.

IN CONVENTION, Monday September 17th, 1787.

PRESENT

The States of New-Hampshire, Massachusetts, Connecticut, Mr. *Hamilton* from New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia:

RESOLVED,

That the preceding Constitution be laid before the United States in Congress assembled, and that it is the opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates, chosen in each State by the People thereof, under the recommendation of its Legislature, for their assent and ratification; and that each Convention assenting to, and ratifying the same, should give Notice thereof to the United States in Congress assembled.

Resolved, That it is the opinion of this Convention, that as soon as the Conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a day on which Electors should be appointed by the States which shall have ratified the same, and a day on which the Electors should assemble to vote for the President, and the time and place for commencing proceedings under this Constitution. That after such publication the Electors should be appointed, and the Senators and Representatives elected: That the Electors should meet on the day fixed for the Election of the President, and should transmit their votes certified, signed, sealed and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled, that the Senators and Representatives should convene at the time and place assigned; that the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening and counting the votes for President; and, that after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this Constitution.

By the unanimous Order of the Convention,
GEORGE WASHINGTON, President.
William Jackson, Secretary.

Report of the Committee of Style and Arrangement. (Page 38)

Shown here is the second, and very nearly final, draft of the Constitution, prepared after five weeks of debate on the first version.

By September 8, 1787, the Convention had reached general agreement on the substance of the Constitution. All that remained for the Committee of Style was to revise the mass of articles into coherent form, rework the Preamble, and submit this printed text for the approval of the Convention as a whole. Only a few changes were made before the Constitution was adopted and signed.

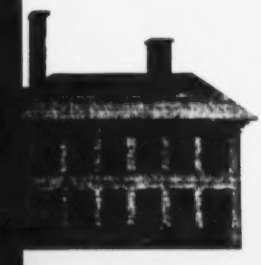
Members' Edition of the U.S. Constitution.

The Constitution of the United States was signed by the members of the Convention on September 17, 1787, and a few copies were printed for them.

Illustrated here is the last page of one of the surviving examples, showing the names of the 39 delegates who signed the document.

Benjamin Franklin (1706-1790)

Though old and infirm, Franklin commanded the respect and affection of the American people and his presence added to the legitimacy of the Constitutional Convention.

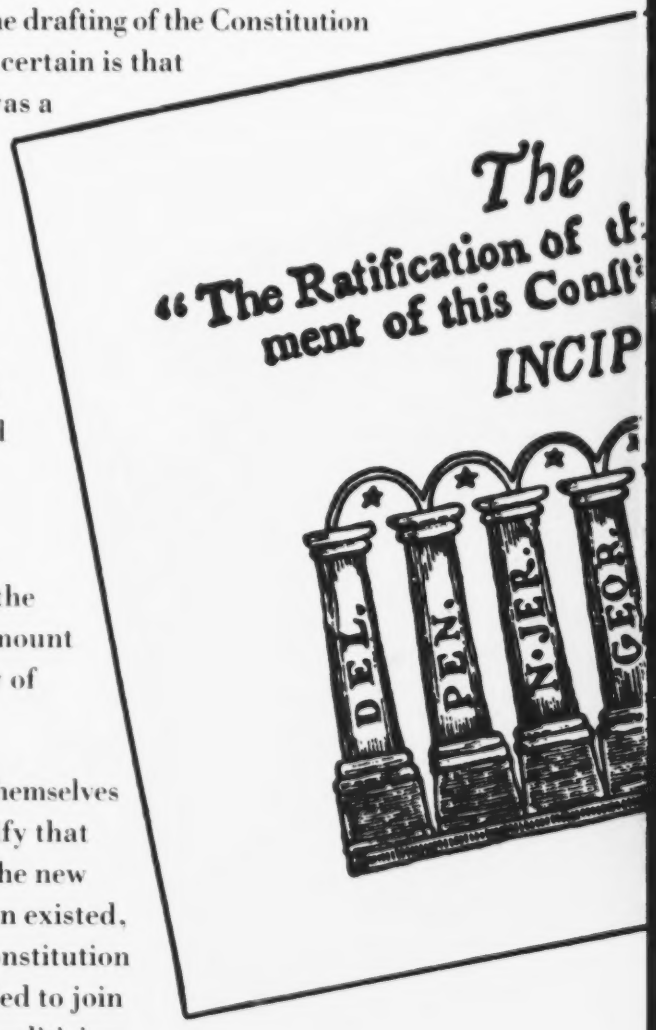


★ RATIFICATION OF THE CONSTITUTION

"The Ratification of the Conventions of nine states, shall be sufficient for the Establishment of this Constitution between the States so ratifying the same." —U.S. Constitution, Article VII

"It seems to me, then, little short of a miracle, that the Delegates from so many different States . . . different in their manners, circumstances, and prejudices should unite in forming a system of national government." —George Washington

Perhaps Washington was right; perhaps the drafting of the Constitution had been miraculous. What seems more certain is that ratification, in the end by all 13 states, was a greater miracle, so powerful was the opposition of influential leaders in nearly every state. The penultimate act of the Convention, as the members were preparing to sign the handsomely engrossed parchment, was to turn over to Washington the records of their summer's labors—"That he retain the Journal and other papers, subject to the order of Congress, if ever formed under the Constitution." The wording of the final clause reflected the enormous obstacles the supporters of the Constitution must surmount before it could become "the supreme law of the land."



The nationalists—who had begun to call themselves "Federalists"—had been careful to specify that only nine states need ratify to establish the new government. They believed that if a union existed, states which had initially rejected the Constitution could probably be persuaded or compelled to join eventually. At the same time, any astute politician understood that the repudiation of the Constitution by any one of the essential states of Massachusetts, New York, Pennsylvania or Virginia would probably doom the new government. Although there were accusations that the Federalists had resorted to

Cartoon, 1788, representing the nine states which first ratified the Constitution. These states are shown as pillars supporting the arches of government. Virginia and New York had not yet ratified.

extralegal means in Pennsylvania, they did succeed in pushing ratification through their state convention before the end of 1787. In the other three important states, however, the contest was both protracted and bitter. The documents presented here preserve in their immediacy something of the passionate intensity of that struggle.

THE

CONSTITUTION,

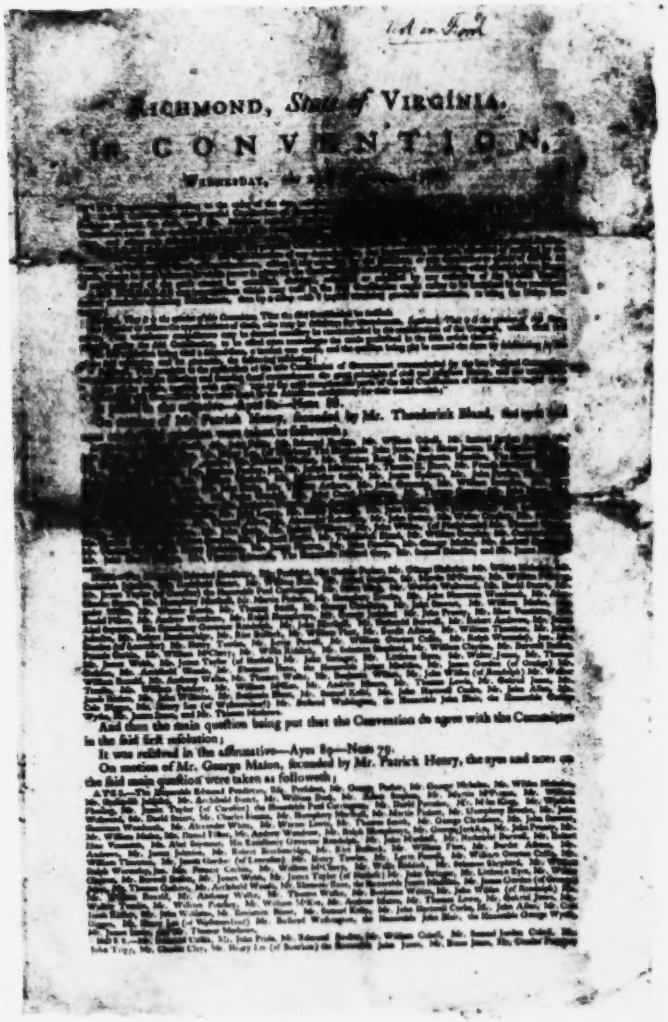
PROPOSED FOR

THE GOVERNMENT OF THE UNITED STATES OF AMERICA, BY THE FŒDERAL CONVENTION, HELD AT PHILADELPHIA, IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND EIGHTY-SEVEN.

TO WHICH IS ANNEXED,

THE RATIFICATION THEREOF BY THE DELEGATES OF PENNSYLVANIA IN THE STATE CONVENTION.

PHILADELPHIA: PRINTED BY HALL & SELLERS.
M.DCC.LXXXVII.


RICHMOND, *State of* VIRGINIA.

IN CONVENTION,

WEDNESDAY, the

The Constitution...to which is annexed, the ratification thereof by...Pennsylvania in the State Convention, Philadelphia, 1787.

Pennsylvania ratified the Constitution within a month of the close of the Convention, becoming the first major state to do so.

The ratification contest in Pennsylvania was marked by class antagonism. Opponents of the Constitution charged that the document would give the rich Federalists free rein to oppress the people. This argument was repeated in Massachusetts and in other states.

Richmond, State of Virginia. In Convention, Wednesday, the 25th of June, 1788, Richmond.

This printing contains the minutes of the Virginia Convention, which after a bitter struggle, ratified the U.S. Constitution.

As in Massachusetts and several other states, the supporters of the Constitution in Virginia won only after agreeing to recommend that a number of amendments safeguarding individual rights be added to the Constitution. This set the stage for adoption of the first 10 amendments, better known as the Bill of Rights.

This printing was identified as the only copy in existence when it was sold at auction early in this century.

James Madison

Alexander Hamilton

John Jay

The Federalist..., New York, 1788.

Regarded as the cornerstone of American political theory, these essays in support of the Constitution by Madison, Alexander Hamilton, and John Jay first appeared in several New York newspapers.

Some of the most brilliant writing is to be found in Madison's theory of factions in *No. 10*. Madison argued that a large country like the United States was actually best suited for republican government since the many opposing parties would act as a check upon each other, preventing any one faction from oppressing the others.

The Federalist was enormously influential and remains one of the most eloquent and ingenious political treatises ever written.

Illustrated is the title page of a rare copy of the first edition specially printed on thick paper.

THE

FEDERALIST:

A COLLECTION

OF

ESSAYS,

WRITTEN IN FAVOUR OF THE

NEW CONSTITUTION,

AS AGREED UPON BY THE FEDERAL CONVENTION
SEPTEMBER 17, 1787.

IN TWO VOLUMES.

VOL. I.

NEW-YORK:

PRINTED AND SOLD BY J. AND A. M'LEAN,
No. 41, HANOVER-SQUARE.
M, DCC, LXXXVIII.

Celebrating the ratification of the U.S. Constitution in New York City

The debates and proceedings of the convention of the state of New York..., New York, 1788.

New York's commercial and political importance made its ratification critical to the success of the new federal government.

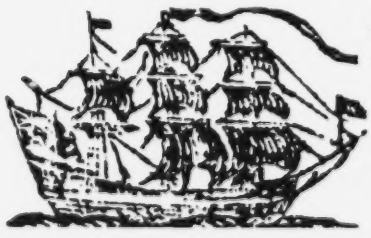
The New York State Convention opened with a majority of delegates opposed to ratification. During the session, however, this formidable opposition was overcome by the eloquence and logic of Alexander Hamilton and John Jay. The Constitution was approved by a three-vote margin.

Supplement extraordinary to the Independent Journal..., July 28, 1788..., New York ▶

This broadside "Extra" reports New York's ratification of the Constitution by a narrow margin and the celebrations which followed.

New York was the 11th state to ratify. The remaining two, North Carolina and Rhode Island, did not approve the Constitution until after the inauguration of the first federal government.

XXXII.

The  federal Union,

Ship

SUPPLEMENT EXTRAORDINARY

TO THE

Independent Journal.

MONDAY, JULY 28, 1788.

ON Saturday evening about 9 o'clock arrived the joyful tidings of the adoption of the New Conſtitution, at Poughkeepſie, on Friday, July 25, Yeas 30, Nays 25, Majority 5.——The bells in the City were immediately ſet a ringing, and from the Fort and the Federal Ship Hamilton, were fired ſeveral Salutes. The Merchants at the Coffee-Houſe teſtified their Joy by repeated huzzas; and a large body of Citizens, headed by a number of the firſt characters, went to the houſes of the Members of the Convention, and gave three Cheers, as a teſtimony of their approbation of the glorious EVENT brought about by their united, unremitted, and toilſome Exertions.—In ſhort, a general joy run through the whole City, and ſeveral of thoſe who were of different ſentiments drank freely of the *Federal Bowl*, and declared that they were now perfectly reconciled to the New Conſtitution.

Copy of a Letter from Poughkeepſie, dated Friday, July 25, 1788.

"On Wedneſday the Convention finiſhed the conſideration of the amendments, and took up the propoſition of adopting the Conſtitution with three conditions annexed. Mr. Jones moved to inſert the words "*in full confidence,*" inſtead of the words "*upon condition.*" Then Melancton Smith roſe, and declared his determination to vote againſt a condition. He urged that however it might otherwiſe be conſtrued, he was confident in his principles and conduct. He was as thoroughly convinced then as he ever had been, that the Conſtitution was radically defective, amendments as it had always been the object of his purſuit, and until Virginia came in, he had reaſon to believe they might have been obtained previous to the operation of the Government. He was now ſatisfied they could not, and it was equally the dictate of reaſon and of duty to quit his firſt ground, and advance ſo far as that they might be received into the Union. He ſhould therefore purſue his important and favourite object of amendments with equal zeal as before, but in a practicable way which was only in the mode preſcribed by the Conſtitution. On the firſt ſuggeſtion of the plan then under conſideration, he thought it might have anſwered the purpoſe; but from the reaſonings of gentlemen in oppoſition to it, and whoſe opinions alone would deſervedly have moſt weight in the national councils as well as from the ſentiments of perſons abroad, he was now perſuaded the propoſition would not be received, however doubtful it might appear, conſidered merely as an abſtract and ſpeculative queſtion. The thing muſt now be abandoned as fallacious, for if perſiſted in, it would certainly prove in the event, only a dreadful deceptive to thoſe who were ſerious for joining the Union. He then placed in a ſtriking and affecting light, the ſituation of this State in caſe we ſhould not be received by Congreſs, convulſions in the northern part, factions and diſcord in the reſt. The ſtrength of his own party who were ſeriouſly anxious for amending the Government would be diſſipated, their Union loſt, their object probably defeated, and they would, to uſe the ſimple figurative language of Scripture, be diſperſed like ſheep on a mountain. He therefore concluded that it was no more than a proper diſcharge of his public duty as well as the moſt adviſable way of obtaining the great end of his oppoſition to vote againſt any propoſition which would not be received as a ratification of the Conſtitution.

"He was followed by G. Livingſton, who ſpoke ſomething to the ſame effect. Judge Platt roſe, and only obſerved, that what he ſhould do would be the dictate of his conſcience, and that he ſhould always obey firmly the determination of his judgment.

"In reply to this the Preſident obſerved, that whatever his opinion might be, he ſtood there as a repreſentative of the County of Ulſter; that he ſhould therefore purſue what he believed to be the ſenſe of that County, and vote for the conditional adoption.

"The queſtion was then taken, and carried by a majority of two, againſt a conditional adoption. There were 60 members preſent, beſides the Chairman.

"I will give you the yeas and nays, though I believe not in the order in which they are entered on the journal.

For Jones's amendment, for ſtriking out the condition to the adoption.

9	Members from	New-York.
2		Kings-County.
2		Richmond
6		Weſt-Cheſter
4		Queens
Havens, J. Smith, Scudder		Suffolk
Platt, M. Smith, G. Livingſton, De Witt		Dutcheſs
Williams		Waſhington.

Total 31.

Againſt Mr. Jones's Amendment, &c.

6	Members from	Ulſter-County.
4		Orange
3		Cumberland
8		Montgomery
Bwartwout, Akin		Dutcheſs
R. Gallic, J. Lanſing, jun. Ten Eyck, Thompſon		Albany
Hopkins, Parker, Baker		Weſt-Cheſter
Tredwell		Suffolk

Total 29.

"I have been rather particular in ſtating the buſineſs of Wedneſday to you, becauſe I think it is of a deciſive nature; and I was ſo well pleaſed with Smith's ſpeech, that I have given you the ſubſtance of it with fidelity, and nearly as I could in his own language.

"Yeſterday Lanſing moved to annex Smith's laſt propoſition to the ratification, or the one which propoſes to adopt with a reſervation of a right to withdraw; then Mr. Jay, and after him Mr. Hamilton, roſe and declared, that the reſervation could anſwer no good purpoſe in itſelf; that it implied a diſtruſt of the other ſtates; that it would awaken their pride, and other paſſions unfriendly to the object of amendments; but what was deciſive againſt it, it was inconſiſtent with the Conſtitution, and was *no ratification*. Mr. Hamilton produced and read part of a letter from a Gentleman of high public diſtinction, containing in explicit terms his opinion, that the reſervation would amount to a conditional ratification and would not be received by Congreſs. Mr. Duane and the Chancellor both declared their opinion to the ſame effect, and they all concurred in expreſſing an anxious wiſh, that, ſince the Houſe had ſucceeded ſo far to an accommodation, they might now conclude the buſineſs with harmony, and to the ſatisfaction of both parties. M. Smith remained ſilent all the Day; the queſtion was poſtponed till to-day.

"The queſtion was brought on this morning. M. Smith made a ſhort ſpeech, declaring his object in originally bringing forward the propoſition. He hoped it would unite both ſides; but as he found it would not, and that there was no alternative between adopting and rejecting the Conſtitution, he ſhould vote againſt the propoſition. It was carried againſt it by a majority of 3. Thank God we have now got the Conſtitution; I congratulate you.

"I will give you the Yeas and Nays and you may rely on the accuracy of it.

YEAS.

6	from	Ulſter County.
3		Columbia
6		Montgomery
Weſner, Wood, Herring		Orange
Bwartwout		Dutcheſs
Yates, Lanſing, Ten-Eyck, Thompſon		Albany
Carman		Queens
Tredwell		Suffolk
Williams, Baker, Parker		Waſhington

Total 28.

NAYS.

19	Old Federaliſts.
Havens, J. Smith, Scudder	Suffolk County.
Jones, Schenck, Lawrence	Queens
Platt, M. Smith, G. Livingſton, Akin	Dutcheſs
Woodhul	Orange
Hopkins	Waſhington

Total 31.

Extract of another Letter from the ſame Gentleman wrote Friday afternoon, ſhortly after he had cloſed the foregoing.

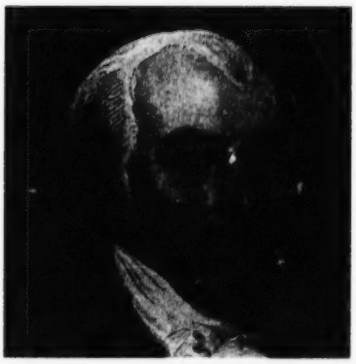
"The Committee juſt this moment roſe and *reported*; the Preſident in the chair; the queſtion called, and the Houſe agreed to the report by a majority of five, 30 for it, 25 againſt it. There were ſeveral members out of doors, but they were all for us. Let us mingle an ejaculation to Heaven for our ſucceſs. All they have to do, is to engroſs the Ratification."

Extract of another Letter from a Member of the Convention at Poughkeepſie, to his Correſpondent in Staten-Iſland, dated half paſt three o'clock Friday afternoon.

"The Convention has this minute adjourned to meet again at 5 o'clock, and, in the intermediate ſpace have but juſt time to communicate to you our ſucceſs. The Conſtitution has, comparatively ſpeaking, undergone an ordeal torture, and been preſerved, as by fire. We have this day completed an unconditional Adoption of it—Yeas 30, Nays 25. Let all around you, and particularly Mr. B—, partake of this information, that they may likewiſe partake of the general joy, which muſt animate every lover of his country, and friend to Union, on the tidings of ſo auſpicious an event.

"We are in hopes to be with you by Tueſday next. We will ſay no more until we meet. May the God of Heaven protect and preſerve you all; this is our wiſh flowing from the pureſt affection."

New-York: Printed by J. and A. M'Lean, at Franklin's Head, No. 41, Hanover-Square.



James Madison

James Madison to Archibald Stuart, Autograph letter signed, December 14, 1787.

Madison discusses the ratification process in Virginia and Massachusetts.

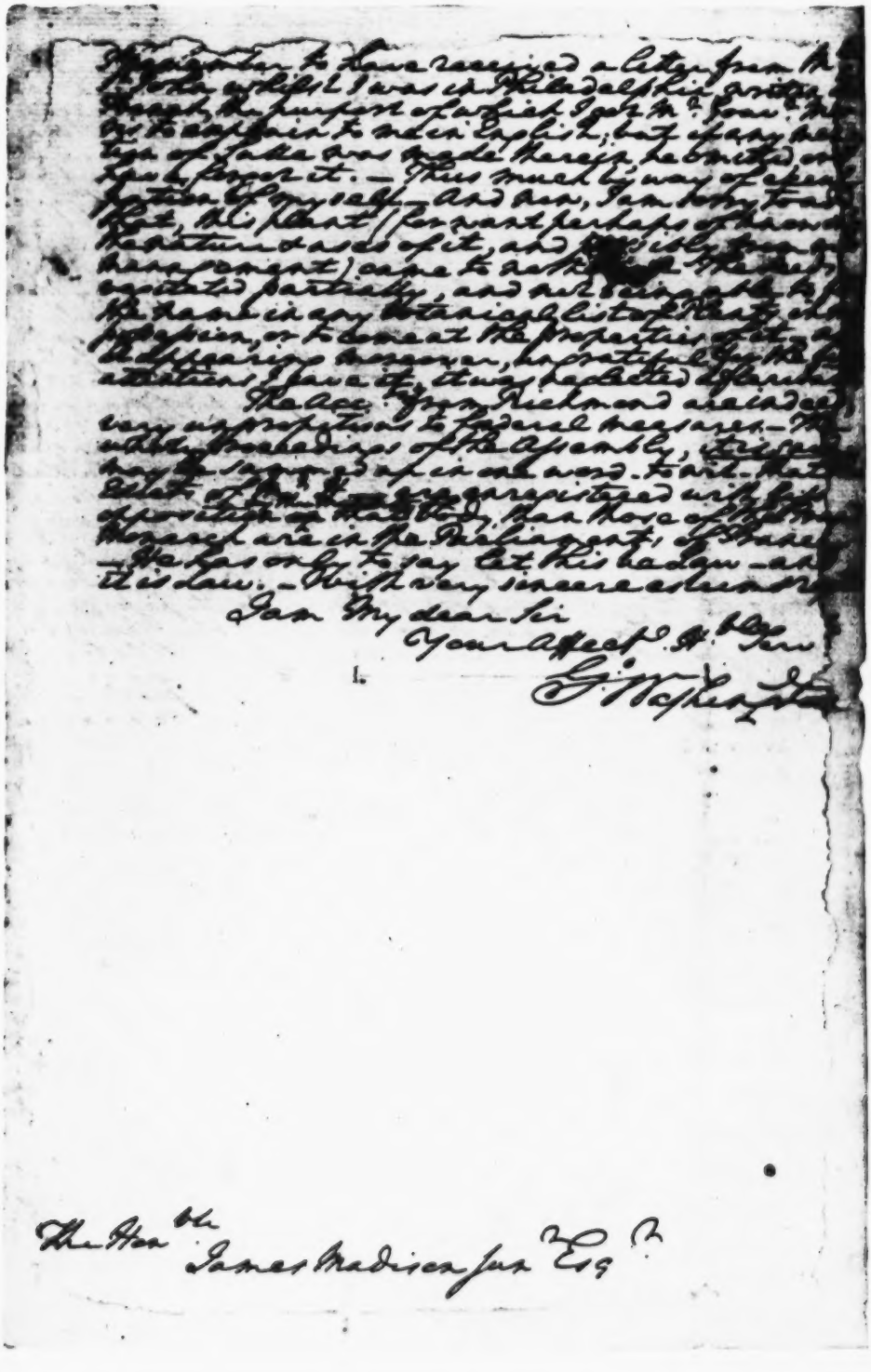
Less than two months after the Constitutional Convention, the struggle to ratify was well underway. Madison expresses surprise that: *"Well meaning adversaries themselves do not see the necessity of some anchor for the fluctuations that threaten to shipwreck our liberty..."*

In contrasting the ratification contest in Virginia and Massachusetts, Madison hints at the antagonism that was the major issue in many states: *"In one respect there is a remarkable difference. In Virginia we see men equally respectable in every point of character marshalled in opposition to each other. In Massts. almost all the intelligent & considerable people are on the side of the new Government."*

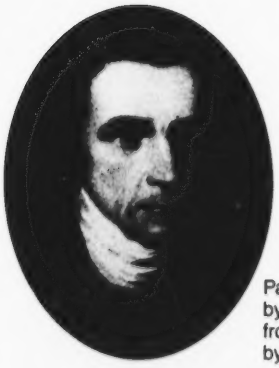
George Washington to James Madison, Autograph letter signed, November 17, 1788 ▶

In the acrimonious fight over ratification in Virginia, Washington and Madison were opposed by George Mason, Richard Henry Lee, Patrick Henry, and other anti-federalists.

Patrick Henry was perhaps the greatest foe of the Constitution. He continued to oppose the creation of the federal government even after ratification in the Virginia Convention. In the final paragraph of this letter, Washington bitterly compares Henry's influence to that of an absolute monarch. *"The Acc[oun]ts from Richmond are indeed, very unpropitious to federal measures. —The whole proceedings of the Assembly, it is said may be summed up in one word — to wit — that the Edicts of Mr. H[enry] are enregistered with less opposition by the majority of that body than those of the Grand Monarch are in the Parliament of France. —He has only to say let this be Law — and it is Law."*



The Hon^ble James Madison Jun^r Esq^r



Patrick Henry
by J.B. Longacre,
from an original
by Sully

★ THE FIRST ADMINISTRATION

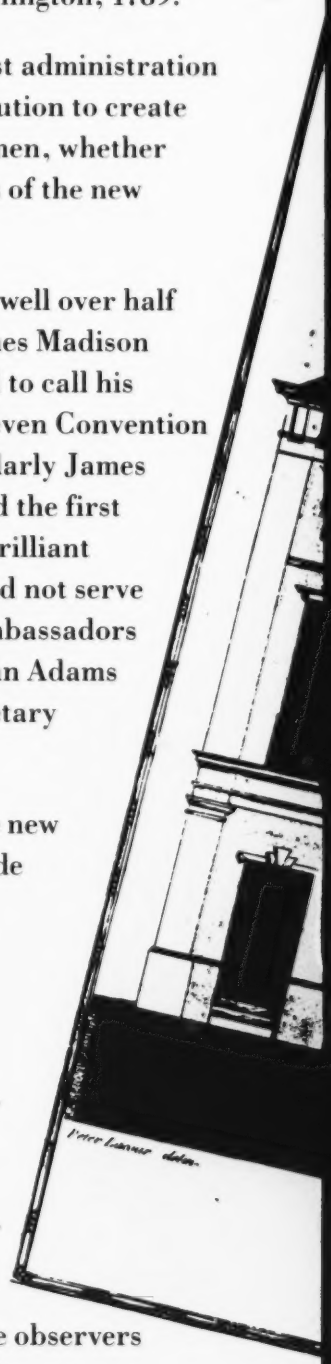
"I walk on untrodden ground. There is scarcely any part of my conduct [as President] which may not hereafter be drawn into precedent." — George Washington, 1789.

President Washington was only the most visible member of the first administration to be found cautiously testing the unadorned words of the Constitution to create from them a republican government of liberty and order. All the men, whether statesmen or mere officials, in all the carefully balanced branches of the new government, were engaged in the same experiment.

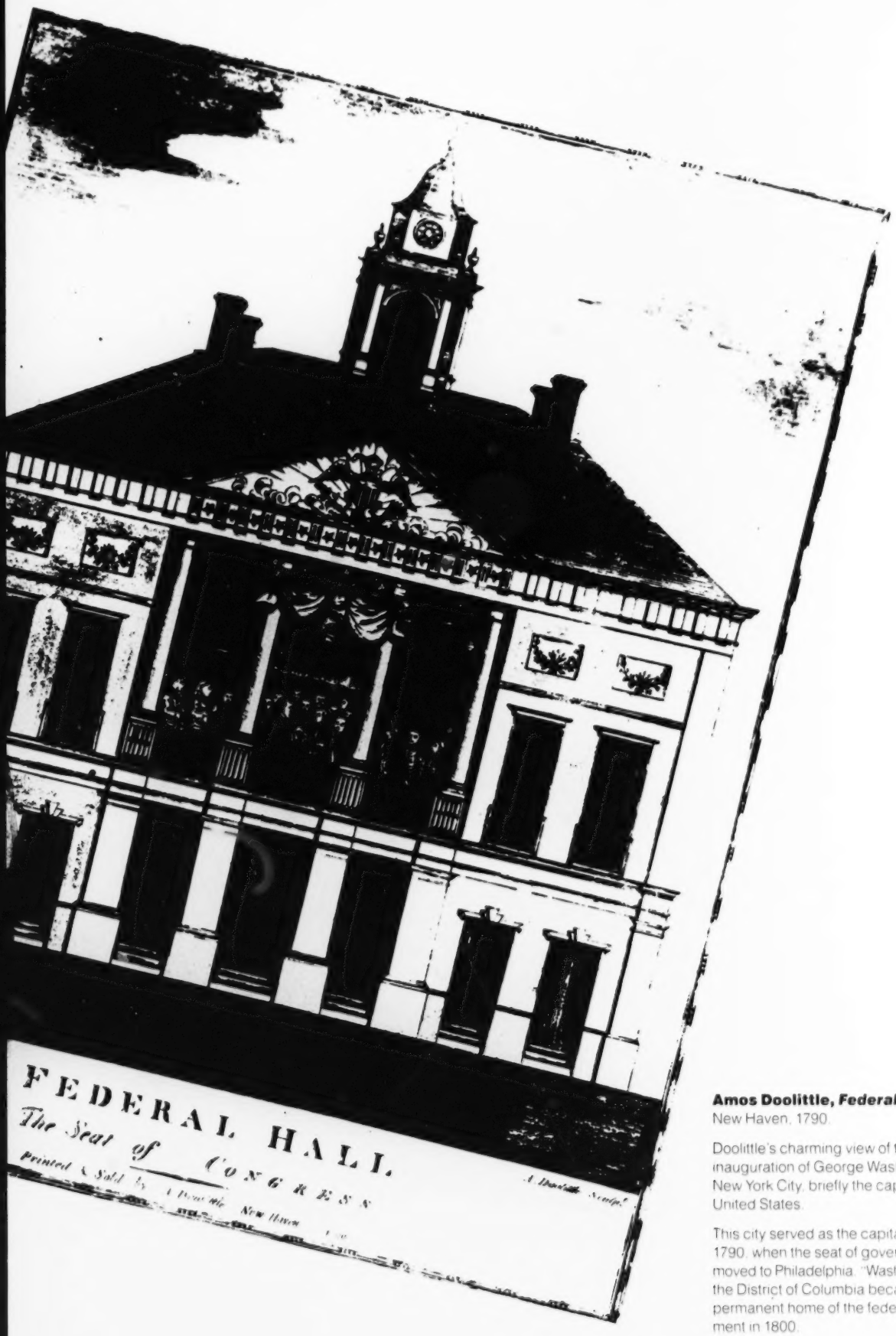
Of the 55 men who had played a part in framing the Constitution, well over half would serve in the federal government at one time or another. James Madison began the first of four terms in the Congress one is almost tempted to call his own. Robert Morris and William Paterson were only two of the eleven Convention delegates elected to the first Senate of the United States. The scholarly James Wilson went to the Supreme Court. Edmund Randolph was named the first Attorney General and was joined in Washington's cabinet by the brilliant Alexander Hamilton as Secretary of the Treasury. Of those who did not serve in the Federal Convention, the most notable were the American ambassadors to Britain and France who returned home to take their places: John Adams as Washington's Vice President and Thomas Jefferson as his Secretary of State.

As the framers had shrewdly foreseen, the success and vigor of the new government left little alternative to the two recalcitrant states — Rhode Island and North Carolina — but to join the union or languish in political and commercial isolation. By 1790, both had ratified the Constitution.

His life drawing to its close as the nation's entered its infancy, Benjamin Franklin found time to praise Washington for the "growing strength of our new government under your administration." Both men knew, however, that the founders of the United States could never have succeeded without "the genius of a people" dedicated to independence and liberty.



Pierce Butler of South Carolina proved to be one of the most astute observers of the Federal Convention. After it was over, he told a friend that the powers the new Constitution gave the President "are full great, and greater than I was disposed to make them. Nor [between us], do I believe they would have been so great had not many of the members cast their eyes towards General Washington as President; and shaped their ideas of Powers to be given a President, by



Amos Doolittle, *Federal Hall...*, New Haven, 1790.

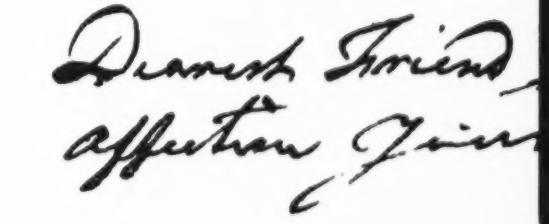
Doolittle's charming view of the first inauguration of George Washington in New York City, briefly the capital of the United States.

This city served as the capital only until 1790, when the seat of government was moved to Philadelphia. "Washington City," the District of Columbia became the permanent home of the federal government in 1800.

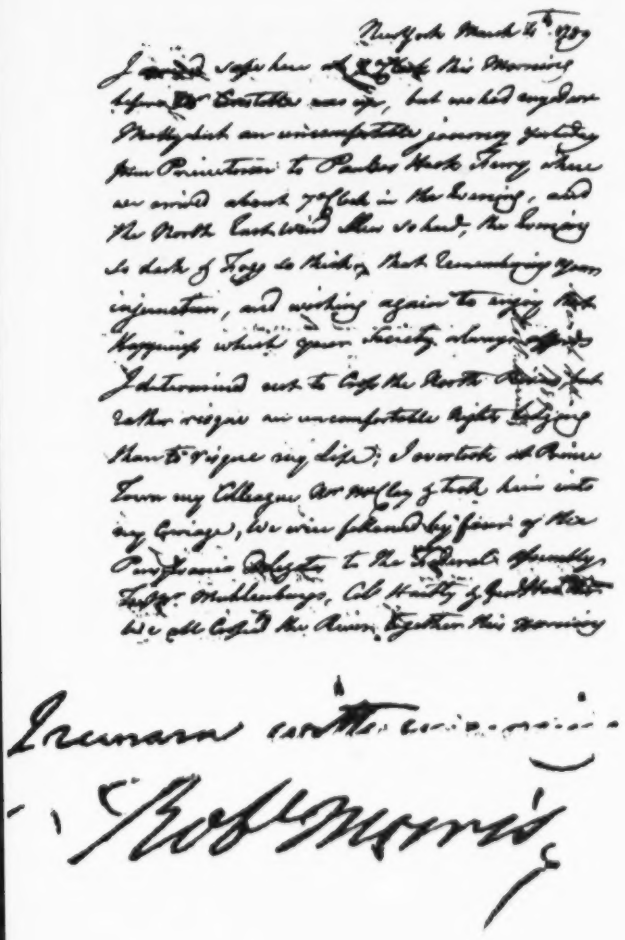
their opinions of his Virtue." Most historians today would agree with Butler's assessment. Some might argue that the United States Constitution could not have been drafted or ratified without the influence of George Washington.

It is difficult for contemporary Americans to understand the reverence Washington's fellow citizens felt for their hero; his personal prestige has not been equalled in all the nation's subsequent history. His selfless patriotism and his voluntary resignation of supreme military power in favor of a weak, inept and corrupt, but duly constituted civilian government had thrilled the Western world and had invited comparisons to the legendary republican hero Cincinnatus. Many on both sides of the Atlantic considered him the greatest figure of the age. Benjamin Franklin was the only other American who enjoyed an international reputation.

The documents which follow, including two important autograph letters of George Washington, date from the first few months of the new government of the United States.



Federal Hall, New York, 1789



Robert Morris to Mary Morris, Autograph letter signed, March 4, 1789

A United States Senator describes the first day of the new federal government.

Robert Morris, framer of the Constitution and Senator from Pennsylvania, tells his wife of the first convening of Congress in New York City. He goes on to report that: *"Last night they fired 13 Canon from the Battery over the Funeral of the Confederation & this Morning they Saluted the New Government with Eleven Cannon being one for each of the States that have adopted the Constitution...this with the ringging of Bells & Crowds of People at the Meeting of Congress gave the air of a grand Festival to the 4th of March 1789 which no doubt will hereafter be Celebrated as a New Era in the Annals of the World."*

JOURNAL,

OF THE FIRST SESSION OF THE

SENATE OF THE UNITED STATES,

VIZ.

NEW-HAMPSHIRE,	NEW-JERSEY,	VIRGINIA,
MASSACHUSETTS,	PENNSYLVANIA,	SOUTH-CAROLINA,
CONNECTICUT,	DELAWARE,	AND
NEW-YORK,	MARYLAND,	GEORGIA.

Being the ELEVEN STATES that have refpectively ratified the Conftitution of Government for the UNITED STATES, propofed by the CONVENTION, held at Philadelphia, on the 17th September, 1787.

WEDNESDAY, MARCH 4, 1789.

THE following members of Senate appeared and took their feats:——From

New Hampfhire,	The Honorable	John Langdon and Paine Wingate,
Maffachufetts,	The Honorable	Caleb Strong.
Connecticut,	The Honorable	William S. Johnfon and Oliver Ellfworth,
Pennfylvania,	The Honorable	William Maclay and Robert Morris,
Georgia,	The Honorable	William Few.

The number not being fufficient to conftitute a quorum, they adjourned from day to day, until

WEDNESDAY, MARCH 11, 1789:

The fame members prefent as on the 4th: Agreed that the following circular letter fhould be written to the abfent members, requefting their immediate attendance.

Journal of the first session of the Senate of the United States..., New York, 1789.

Only eight Senators had come to New York by the day appointed for the inauguration of the new government, and Rhode Island and North Carolina had yet to ratify the Constitution.

Speech of his Excellency the Preſident of the United States, to both Houſes of Congreſs.

FELLOW CITIZENS of the SENATE and HOUSE of REPRESENTATIVES,

AMONG the viciſſitudes incident to life, no event could have filled me with greater anxieties than that of which the notification was tranſmitted by your order, and received on the 14th day of the preſent month.—On the one hand, I was ſummoned by my country, whoſe voice I can never hear but with veneration and love, from a retreat which I had choſen with the fondeſt predilection, and, in my flattering hopes, with an immutable deciſion as the aſylum of my declining years: a retreat which was rendered every day more neceſſary as well as more dear to me, by the addition of habit to inclination, and of frequent interruptions in my health to the gradual waſte committed on it by time. On the other hand, the magnitude and difficulty of the truſt to which the voice of my country called me, being ſufficient to awaken in the wiſeſt and moſt experienced of her citizens, a diſtruſtful ſcrutiny into his qualifications could not but overwhelm with diſpondence, one who, inheriting inferior endowments from nature, and unpractiſed in the duties of civil adminiſtration, ought to be peculiarly conſcious of his own deficiencies. In this conflict of emotions, all I dare aver is, that it has been my faithful ſtudy to collect my duty from a juſt appreciation of every circumſtance by which it might be affected. All I dare hope is, that if in executing this taſk I have been too much ſwayed by a grateful remembrance of former inſtances, or by an affectionate ſenſibility to this tranſcendent proof of the confidence of my fellow citizens; and have thence too little conſulted my incapacity as well as diſinclination for the weighty and untried cares before me; my error will be palliated by the motives which miſled me, and its conſequences be judged by my country, with ſome ſhare of the partiality in which they originated.

Such being the impreſſions under which I have, in obedience to the public ſummons, repaired to the preſent ſtation; it would be peculiarly improper to omit in this firſt official act, my fervent ſupplications to that Almighty Being who rules over the Univerſe,—who preſides in the Councils of nations,—and whoſe providential aids can ſupply every human defect, that his benediction may conſecrate to the liberties and happineſs of the people of the United States, a Government inſtituted by themſelves for theſe eſſential purpoſes, and may enable every inſtrument employed in its adminiſtration, to execute with ſucceſs, the functions allotted to his charge. In tendering my homage to the Great Author of every public and private good, I aſſure myſelf that it expreſſes your ſentiments not leſs than my own: nor thoſe of my fellow citizens at large, leſs than either. No people can be bound to acknowledge and adore the inviſible hand, which conducts the affairs of men more than the people of the United States. Every ſtep, by which they have advanced to the character of an independent nation, ſeems to have been diſtinguiſhed by ſome token of providential agency. And in the important revolution juſt accompliſhed in the ſyſtem of their United Government, the tranquil deliberations and voluntary conſent of ſo many diſtinct communities, from which the event has reſulted, cannot be compared with the means by which moſt governments have been eſtabliſhed, without ſome return of pious gratitude along with an humble anticipation of the future bleſſings which the paſt ſeem to preſage.—Theſe reflections, ariſing out of the preſent criſis, have forced themſelves too ſtrongly on my mind to be ſuppreſſed. You will join with me, I truſt, in thinking, that there are none under the influence of which, the proceedings of a new and free government can more auſpiciouſly commence.

By the article eſtabliſhing the EXECUTIVE Department, it is made the duty of the Preſident "to re- "commend to your conſideration "ſuch meaſures as he ſhall judge ne- "ceſſary and expedient." The circumſtances under which I now meet you, will acquit me from entering into that ſubject further than to refer to the Great Conſtitutional Charter under which you are aſſembled; and which, in defining your powers, deſignates the objects to which your attention is to be given. It will be more conſiſtent with thoſe circumſtances, and far more congenial with the feelings which actuate me, to ſubſtitute in place of a recommendation of particular meaſures, the tribute that is due to the talents, the rectitude, and the patriotiſm which adorn the characters ſelected to deviſe and adopt them.

In theſe honorable qualifications, I behold the ſureſt pledges, that as on one ſide, no local prejudices or attachments—no ſeparate views nor party animoſities will miſdirect the comprehenſive and equal eye which ought to watch over this great aſſemblage of communities and intereſts; ſo, on another, that the foundations of our national policy will be laid in the pure and immutable principles of private morality; and the pre-eminence of free government be exemplified by all the attributes which can win the affections of its citizens, and command the reſpect of the world.

I dwell on this proſpect with every ſatisfaction which an ardent love for my country can inſpire; ſince there is no truth more thoroughly eſtabliſhed, than that there exiſts in the economy and courſe of nature, an indiſſoluble union between virtue and happineſs—between duty and advantage—between the genuine maxims of an honeſt and magnanimous policy, and the ſolid rewards of public proſperity and felicity. Since we ought to be no leſs perſuaded that the propitious ſmiles of Heaven can never be expected on a nation that diſregards the eternal rules of order and right, which Heaven itſelf has ordained. And ſince the preſervation of the ſacred fire of liberty, and the deſtiny of the republican model of government, are juſtly conſidered as deeply, perhaps as finally ſtaked, on the experiment entruſted to the hands of the American people.

Beſides the ordinary objects ſubmitted to your care, it will remain with your judgment to decide how far an exerciſe of the occaſional power delegated by the Fifth Article of the Conſtitution is rendered expedient at the preſent juncture by the nature of objections which have been urged againſt the ſyſtem, or by the degree of inquietude which has given birth to them. Inſtead of undertaking particular recommendations on this ſubject, in which I could be guided by no lights derived from official opportunities, I ſhall again give way to my entire confidence in your diſcernment and purſuit of the public good: for I aſſure myſelf that whilſt you carefully avoid every alteration which might endanger the benefits of an united and effective government, or which ought to await the future leſſons of experience; a reverence for the characteriſtic rights of freemen, and a regard for the public harmony, will ſufficiently influence your deliberations on the queſtion, how far the former can be more impregnably fortified, or the latter be ſafely and advantageouſly promoted.

To the preceding obſervations I have one to add, which will be moſt properly addreſſed to the Houſe of Repreſentatives. It concerns myſelf, and will therefore be as brief as poſſible. When I was firſt honored with a call into the ſervice of my country, then on the eve of an arduous ſtruggle for its liberties, the light in which I contemplated my duty required that I ſhould renounce every pecuniary compenſation. From this reſolution I have in no inſtance departed. And being ſtill under the impreſſions which produced it, I muſt decline as inapplicable to myſelf, any ſhare in the perſonal emoluments, which may be indiſpenſably included in a permanent proviſion for the Executive Department; and muſt accordingly pray that the pecuniary eſtimates for the ſtation in which I am placed, may, during my continuation in it, be limited to ſuch actual expenditures as the public good may be thought to require.

Having thus imparted to you my ſentiments, as they have been awakened by the occaſion which brings us together, I ſhall take my preſent leave; but not without reſorting once more to the Benign Parent of the human race, in humble ſupplication that ſince he has been pleaſed to favor the American People with opportunities for deliberating in perfect tranquility, and diſpoſitions for deciding with unparalleled unanimity on a form of government for the ſecurity of their Union, and the advancement of their happineſs; ſo his divine bleſſing may be equally conſpicuous in the enlarged views, the temperate conſultations, and the wiſe meaſures on which the ſucceſs of this government muſt depend.

G. WASHINGTON.

New-York, April 30, 1789.

Printed by C. R. & G. WEBSTER.

To
The General Assembly of the
Commonwealth of
Virginia

Gentlemen,

With a due sense of
the affectionate terms in which your Address
is conceived, I offer my best thanks for your
congratulations on my election to the Chief
Magistracy of a free and enlightened Nation.

United States
April 27. 1790

G° Washington

George Washington, First Inaugural Address. Speech of his Excellency the President of the United States..., Albany, New York, 1789. (Page 52)

Washington's inauguration in New York City was the consummation of the constitutional process, completing the installation of the first federal government.

The new President told the crowd of onlookers that "...the sacred fire of liberty and the destiny of the republican model of government are ... staked on the experiment entrusted to the hands of the American people."

This is one of only two recorded copies of the first printing of Washington's address.

George Washington to the Virginia General Assembly, Autograph letter signed, April 27, 1790.

The first President thanks the legislators of his native state for their congratulations on "my election to the Chief Magistry of a free and enlightened nation."

The uncharacteristically florid tone of this letter suggests that it was drafted for Washington by an aide.

Detail, Washington's Inauguration

"Dr. Franklin, looking towards the president's chair, at the back of which a rising sun happened to be painted, observed to a few members near him, that painters had found it difficult to distinguish in their art a rising sun from a setting sun. I have, said he, often and often in the course of the session, and the vicissitudes of my hopes and fears as to its issue, looked at that behind the president without being able to tell whether it was rising or setting: But now at length I have the happiness to know that it is a rising and not a setting sun." Madison's Notes, September 17, 1787

The President's Chair

August 5th. 1789

My dear Sir,

I want to communicate two matters to Congress, the substance of which is contained in the enclosed Papers — The first requires to be decided upon before the proposed adjournment shall take place — but my motive for communicating the latter, at this time, is only to get the matter first, & to prevent enquiry against the next meeting.

Whether would an Oral or written communication be best?

If the first what mode is to be adopted to effect it?

I would thank you, my good Sir, for amending the enclosed address, if you can find leisure, by adding to, or striking out such parts as you may think had better be changed.

I am most affectly
Yours
G. Washington

George Washington to James Madison, Autograph letter signed, August 5, 1789.

The first President turns to "the Father of the Constitution" for advice on the mechanics of the new government.

The Constitution specified that treaties and certain nominations be made by the President and approved by the "Advice and Consent of the Senate." Washington asks just how he should seek this consent: Should he appear before the Senate in person or only send a message?

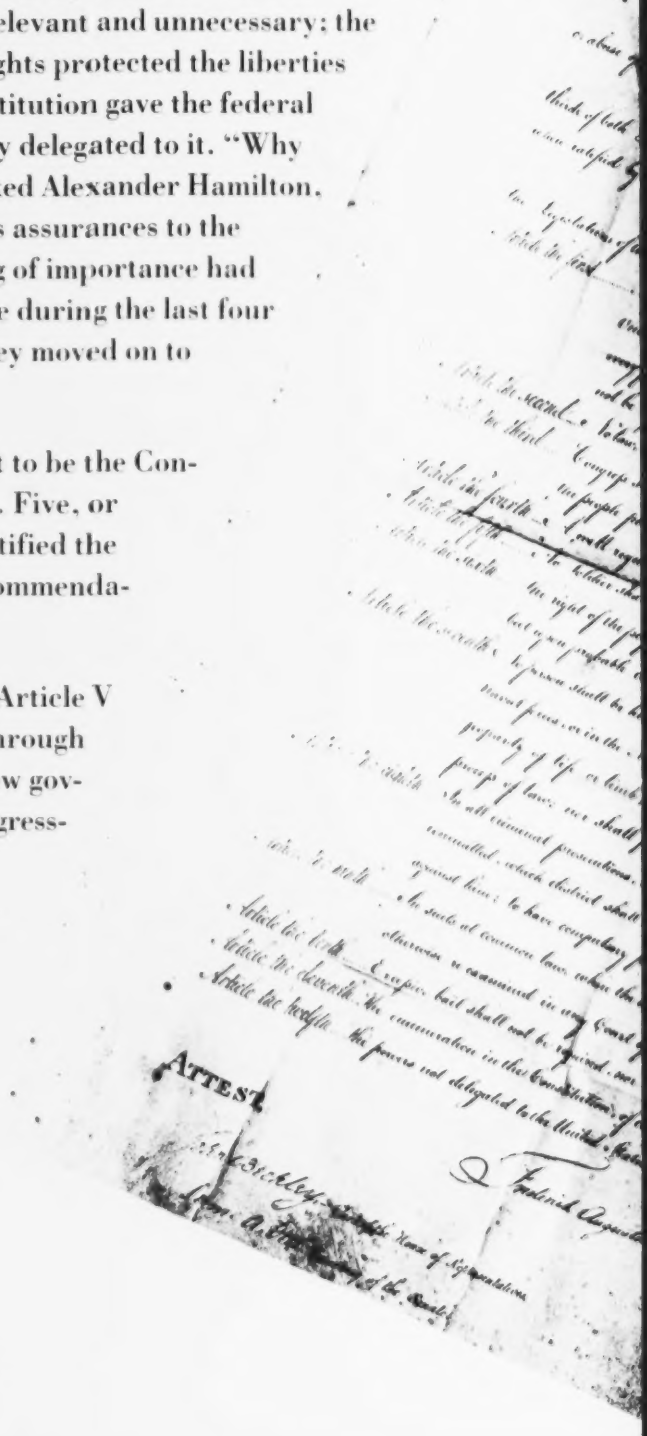
Madison was a representative from Virginia in the first U.S. Congress. As at the Constitutional Convention, he continued to play an important role in the creation of the new government.

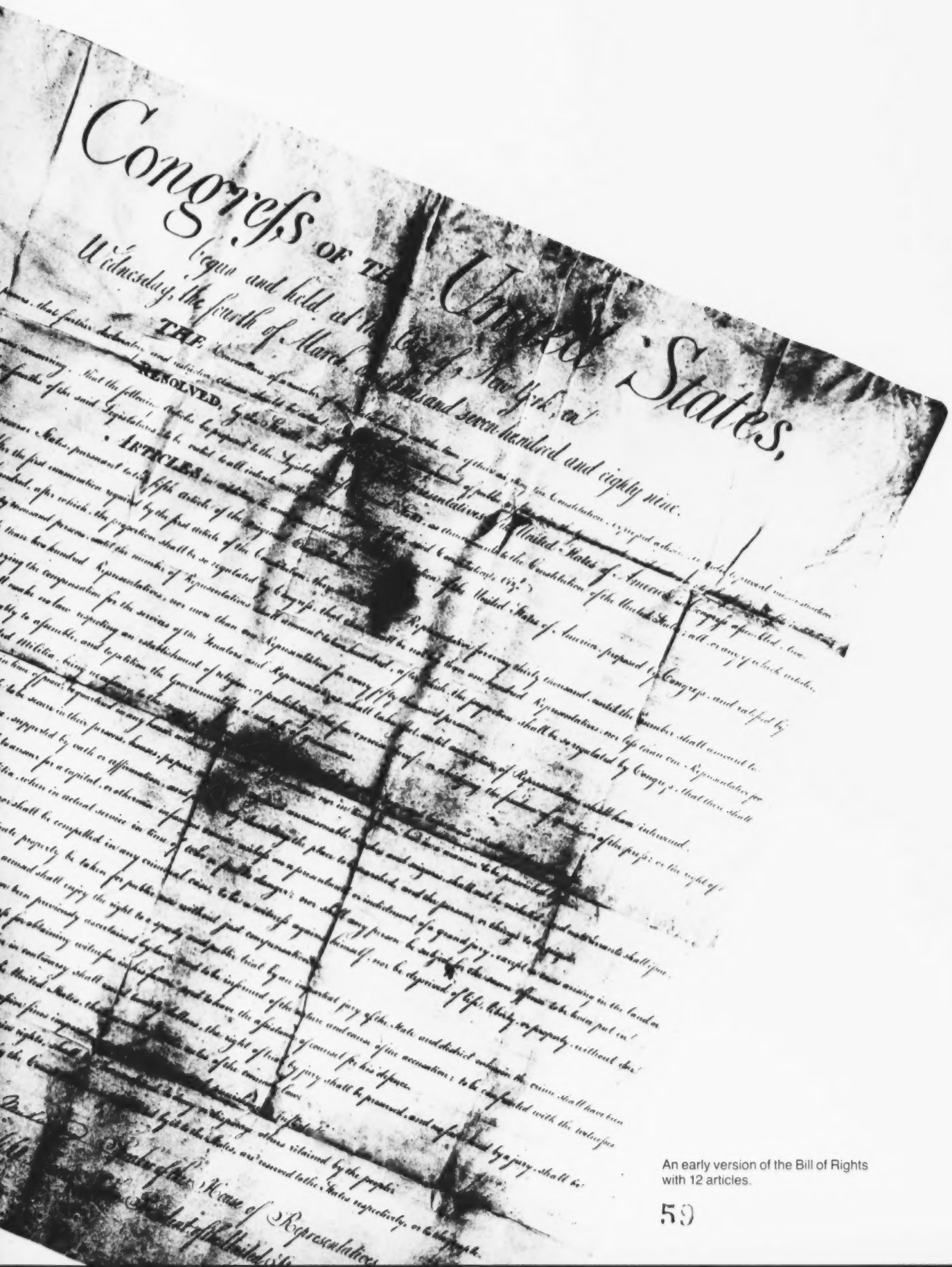
★ THE BILL OF RIGHTS

On September 12, the end of the Convention was clearly in sight. George Mason, the most distinguished civil libertarian among the delegates, recommended to his colleagues that a bill of rights be added to their nearly complete Constitution. "It would give great quiet to the people," he told them, "and with the aid of the state declarations of rights, a bill might be prepared in a few hours." Few, if any, of the members agreed with Mason. The motion to draft a bill of rights was unanimously voted down. The opponents argued that such a bill was irrelevant and unnecessary: the state constitutions and declarations of rights protected the liberties of their citizens. Moreover, the new Constitution gave the federal government only those powers specifically delegated to it. "Why declare that things shall not be done," asked Alexander Hamilton, "which there is no power to do?" Mason's assurances to the contrary, the delegates knew that nothing of importance had been decided "in a few hours" at any time during the last four months. Weary and ready to go home, they moved on to other matters.

The omission of a bill of rights turned out to be the Constitutional Convention's greatest mistake. Five, or roughly half of the eleven states which ratified the Constitution by 1788, did so with the recommendation that a bill of rights be added.

Fortunately the framers had provided in Article V the means of changing the Constitution through an amendment process. As soon as the new government assembled in March of 1789, Congressman James Madison began work on the amendments known as the Bill of Rights.




Congress of the United States,
begun and held at
Wednesday, the fourth of March,
THE Conventions of a number of the States,
RESOLVED, by the
ARTICLES
Speaker of the House of Representatives.
President of the United States,

An early version of the Bill of Rights with 12 articles.

George Mason (1725-1792)

Thomas Jefferson gave George Mason most of the credit for writing the Virginia Declaration of Rights: "*The fact is unquestionable that the Bill of Rights and the Constitution of Virginia were drawn originally by George Mason, one of our really great men and of the first order of greatness.*"

Chambers of the House of Representatives, Federal Hall, New York, 1789

The Virginia Declaration of Rights, Ordinances...of Virginia...1776, Williamsburg.

The Virginia Declaration of Rights was the chief source of the U.S. Bill of Rights.

George Mason was the principal author of the Declaration of Rights adopted by the Virginia Assembly in 1776. The first article closely resembles the opening passages of the Declaration of Independence.

Congress of the United States... Amendments to the Constitution..., New York, 1789. (Page 59)

During the ratification contest, the single greatest objection to the Constitution had been the omission of a bill of rights.

Several states, notably Virginia, New York, and Massachusetts, had ratified with the recommendation that a bill of rights be added. The first Congress immediately began to consider amendments.

This is the first printing of the earliest version of the amendments which became the Bill of Rights. There are 17 articles. Articles III and IV will be familiar as the First Amendment.

ORDINANCES

PASSED AT A GENERAL CONVENTION

OF DELEGATES AND REPRESENTATIVES,

From the several COUNTIES and CORPORATIONS

OF *VIRGINIA*,

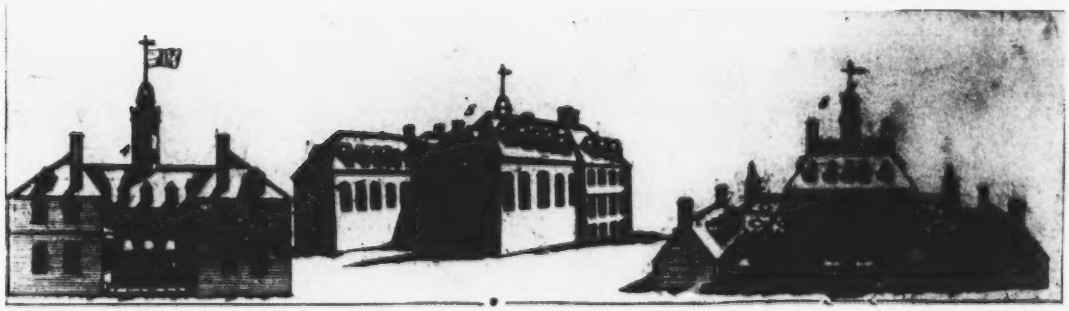
HELD AT THE *CAPITOL*,

IN THE CITY OF *WILLIAMSBURG*,

ON MONDAY THE 6th OF MAY,

ANNO DOM: 1776.

WILLIAMSBURG:
PRINTED BY ALEXANDER PURDIE,
PRINTER TO THE COMMONWEALTH.



Williamsburg, Virginia, late 18th century

CONGRESS OF THE UNITED STATES.

In the HOUSE *of* REPRESENTATIVES,

Monday, 24th Auguſt, 1789.

RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, two thirds of both Houſes deeming it neceſſary, That the following Articles be propoſed to the Legiſlatures of the ſeveral States, as Amendments to the Conſtitution of the United States, all or any of which Articles, when ratified by three fourths of the ſaid Legiſlatures, to be valid to all intents and purpoſes as part of the ſaid Conſtitution—Viz.

ARTICLES in addition to, and amendment of, the Conſtitution of the United States of America, propoſed by Congreſs, and ratified by the Legiſlatures of the ſeveral States, purſuant to the fifth Article of the original Conſtitution.

ARTICLE THE FIRST.

After the firſt enumeration, required by the firſt Article of the Conſtitution, there ſhall be one Repreſentative for every thirty thouſand, until the number ſhall amount to one hundred, after which the proportion ſhall be ſo regulated by Congreſs, that there ſhall be not leſs than one hundred Repreſentatives, nor leſs than one Repreſentative for every forty thouſand perſons, until the number of Repreſentatives ſhall amount to two hundred, after which the proportion ſhall be ſo regulated by Congreſs, that there ſhall not be leſs than two hundred Repreſentatives, nor leſs than one Repreſentative for every fifty thouſand perſons.

ARTICLE THE SECOND.

No law varying the compenſation to the members of Congreſs, ſhall take effect, until an election of Repreſentatives ſhall have intervened.

ARTICLE THE THIRD.

Congreſs ſhall make no law eſtabliſhing religion or prohibiting the free exerciſe thereof, nor ſhall the rights of Conſcience be infringed.

ARTICLE THE FOURTH.

The Freedom of Speech, and of the Preſs, and the right of the People peaceably to aſſemble, and conſult for their common good, and to apply to the Government for a redreſs of grievances, ſhall not be infringed.

Section map of New York City, 1797

Thomas Jefferson

AMENDMENTS

PROPOSED TO BE ADDED

TO THE

FEDERAL CONSTITUTION,

BY THE

CONGRESS

OF THE

UNITED STATES

OF

AMERICA,

Begun and held at the CITY of NEW-YORK,
on WEDNESDAY, the fourth Day of MARCH,
in the YEAR M,DCC,LXXXIX.

PRINTED at *BOSTON*, MASSACHUSETTS,
BY THOMAS ADAMS,
PRINTER to the HONOURABLE the GENERAL COURT.
M,DCC,XC.

Amendments proposed to be added to the Federal Constitution..., Boston, 1790.

Congress sent 12 articles to the states for approval; the 10 that were ratified became the Bill of Rights.

The Bill of Rights confirmed the nation's dedication to liberty and individual rights. The 10 amendments stated fundamental principles with regard to freedom of speech, press, and religion, jury trial; cruel and unusual punishment; and search warrants.

Thomas Jefferson to Dr. Richard Gem, Autograph letter signed. April 4, 1790. ▶

Jefferson writes that the Bill of Rights has satisfied many opponents of the Constitution. "*Our affairs wear a very pleasing aspect. The opposition to our new Government has been perfectly reconciled by the amendments proposed by Congress.*"

Jefferson had recently become the first Secretary of State under the Constitution, the "more advanced station" to which he refers in this letter.

This letter bears a well preserved example of Jefferson's seal with his monogram and motto, "Rebellion to Tyrants is Obedience to God."

Dft Cotte
Jefferson

New York April 4. 1790.

In bidding adieu, my dear Doctor, to the country which
united our residence, I find the loss of your society &
instructive conversation among the leading circumstances
of regret. be assured that I feel it most sensibly, and
accept my warm acknowlegements for all your kindnesses
& services to me and my family while at Paris. I hope
that your philanthropy is by this time fully gratified
by the final establishment of order, and equal govern-
-ment in a country which you love, and that you will
still be blessed in seeing them extended to others
so as to found a rational hope that man is at length
destined to be happy & free. our affairs wear a very
pleasing aspect. the opposition to our new government
has been perfectly reconciled by the amendments pro-
-posed by Congress. they have thought proper to call
for my services in a more advanced station. this would
have been flattering had my views been fixed on any
thing but retirement. but with this disposition I would
have wished that to be the only remaining change of my life
the interest you have been so good as to take in my hap-
-piness will not render indifferent to you the information
that my daughter is married agreeably to my most san-
-guine wishes. the talents, temper, family & fortune of the
young gentleman are all I could have ~~wished~~ desired. God bless
you my dear Doctor, with life & health, and be assured of
the constant affections of your sincere friend & humble servt

Dr Gem.

Th: Jefferson

1775

American Revolution begins.

1776

Declaration of Independence by the Continental Congress.

1781

Surrender of Cornwallis at Yorktown.

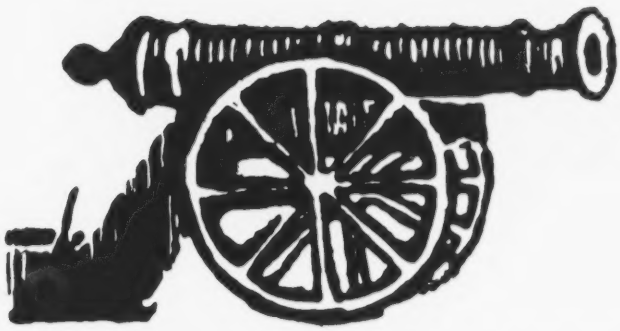
States join in "a firm league of friendship" under the Articles of Confederation.

1783

Treaty of Paris: Britain acknowledges the independence of her former colonies.

1785

Mount Vernon Conference: delegates from Maryland and Virginia discuss problems of interstate commerce under the Articles of Confederation.



A CONSTITUTIONAL CHRONOLOGY

1786

Annapolis Convention: delegates from 5 states call for a constitutional convention in Philadelphia.

1787

1788

1789

1791

THE CREATION OF THE CONSTITUTION

May 25 Constitutional Convention opens in Philadelphia.

May 29 Virginia Plan proposed: representation in the national legislature based on population thus favoring large states.

June 15 New Jersey Plan proposes equal representation in national legislature; convention deadlocked.

June 16 "The Great Compromise": Bicameral national legislature with equal representation in Senate, proportional in House.

August 6 Report of the Committee of Detail, first draft of Constitution presented.

September 12 Report of the Committee of Style and Arrangement; Constitution essentially completed.

September 17 U.S. Constitution signed by 39 delegates. Convention ends.

December 7 Delaware ratifies the Constitution.

December 12 Pennsylvania ratifies.

December 18 New Jersey ratifies.

January 2 Georgia ratifies.

January 9 Connecticut ratifies.

February 6 Massachusetts ratifies.

April 28 Maryland ratifies.

May 23 South Carolina ratifies.

June 21 New Hampshire ratifies; 9th state: Constitution becomes effective.

June 25 Virginia ratifies.

July 26 New York ratifies.

March 4 First Congress convenes.

April 30 George Washington inaugurated first President of the United States of America.

May 29 Rhode Island ratifies.

September 25 Bill of Rights sent to states.

November 21 North Carolina ratifies; 13th state.

December 15 Bill of Rights ratified, becoming first 10 amendments to the Constitution.

We the People

John H. Rhodehamel, author of *Letters of Liberty*, is Assistant Curator, American History, with the Henry E. Huntington Library, San Marino, California.

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Patch box for carrying snuff